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EAEA - European Arts and Entertainment Alliance (FIM, FIA, UNI MEI)

Pearle* - Performing Arts Employers' Associations League Europe

Survey on the Situation of Social Dialogue in the Live
Performance Sector in Twelve Southern European EU Member
States and Candidate Countries

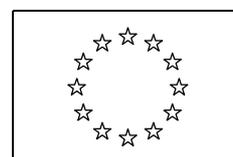
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I. Introduction

The European Arts and Entertainment Alliance, EAEA and PEARLE* have been carrying out a joint project on social dialogue in twelve countries in Southern Europe (EU Member States and candidate countries): Bulgaria, Croatia, Cyprus, France, Greece, Italy, FYR of Macedonia (FYROM), Malta, Portugal, Slovenia, Spain and Turkey. The project is financially supported by the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities.

In 1998 PEARLE* and the EAEA formed the EU Social Dialogue Committee for the Live Performance Sector, which has met regularly since then to discuss matters of common interest in the field of EU social policy and other policies affecting the performing arts sector. During the enlargement process leading to the accession of ten Eastern European countries in 2004, the committee carried out several projects in order to facilitate the integration of employers' and workers' organisations from the EU accession and candidate countries into the work of the EU social dialogue committee on live performance. As part of one of those projects a study on social dialogue in the sector in twelve new EU Member States and three candidate countries (Romania, Bulgaria and Turkey) was completed in 2004.

The aim of this new project is to reassess the impact of EU enlargement on the European social dialogue in the live performance sector, and to focus on the situation of social dialogue in the countries of Southern Europe. It therefore also includes an analysis of the situation in some of the "old" EU Member States, such as France, Greece, Italy, Portugal and Spain. It also aims at sharing experience on national cultural and social policies and the functioning of social dialogue structures at national and EU level.

This paper was designed as a working document for the conference in Dubrovnik on 26th and 27th February 2010. The aim was to give conference participants an insight into some of the provisional outcomes of the survey that had been undertaken recently to find out how workers and employers are organised in the twelve selected countries and how social dialogue in the performing arts sector functions. It contains some preliminary overall conclusions followed by twelve country profiles, in order to give more detailed information about the situation in each country.

The discussions and inputs during the conference helped to enrich this paper. Conference participants were invited/ to submit their comments and observations to the authors in writing during and after the conference. This is the final version of the survey.

II. Methodology

In the last three months of 2009 two experts, one from PEARLE* and the other from EAEA, visited the twelve selected countries and held interviews with government officials and representatives of employers/management and representatives of workers/labour. A letter explaining the aims of the project was sent beforehand to relevant parties as they were known to PEARLE* and EAEA and to key stakeholders identified beforehand. Interviews and ad-hoc meetings were held on the basis of a questionnaire with open and closed questions (see annex 2) and a briefing note in European Social Dialogue in the Live Performance Sector (see annex 3). Data and information collected through the interviews were completed with desk research.

Although all interviewed parties were willing to share available information and data and their personal perceptions about the situation of social dialogue in the performing arts, it often proved to be a challenge to get as accurate a picture as possible of the situation in the countries concerned. This was partly due to the limited time available for the visits to each country, the lack of accessible and available data, and the reluctance of some of those interviewed to provide information. It also proved difficult in some cases for interviewees to understand what is meant by 'social dialogue'. Basic terms such as 'health and safety' and 'collective agreement' also sometimes proved to be a source of misinterpretation.

The draft version of this study was presented at the joint conference organised by the EAEA and Pearle* in February 2010 in Dubrovnik, Croatia. This final version takes account of all comments that have been made by the different delegates during and after the conference with the aim to further complete information and clarify any unresolved issues.

III. The situation of employers, workers and social dialogue

The twelve countries selected for this study share a rich history that has been of invaluable importance to European civilisation. Remnants of Greek, Roman, Ottoman and other civilisation are to be found everywhere. This cultural heritage is of great historic and touristic value and explains why the governments in many of these countries spend a large part of their culture budgets on heritage. Still, the performing arts have a long tradition in these countries and the sector is well developed.

The following section describes in detail the situation of employers, workers and trade unions and their perceptions as regards the key challenges the performing arts sector faces.

1. The situation of employers and their organisations

a. The situation of employers

Due to the fact that many live performance establishments are publicly owned and funded, the competent Ministry (often the Ministry of Culture) has an important say as regards the way the money is spent in these establishments. Many publicly owned or financed performing arts organisations and their managers often do not have sufficient autonomy in the management of the establishment. The lack of autonomy is particularly critical in the eastern part of Southern Europe (Bulgaria, Croatia, Cyprus, FYR of Macedonia, Greece, Slovenia, Turkey and also Malta). Often management has no say (or only in an advisory capacity) in the collective bargaining process, because in many countries only governments are responsible for fixing the salaries of those workers in the public live performance establishments as they are civil servants.

As the people who are in charge of running publicly owned or subsidised live performance organisations in the majority of the countries concerned often do not control the contract of employment of the workers in their establishments, they do not consider themselves to be employers in the strict sense of the word.

In quite a number of cases, this fact is described as a major hindrance in reconciling the artistic needs of the organisation with the demands of the employees and their representatives.

As a result managers of public live performance establishments see little reason for setting up employers' associations.

The lack of autonomy in management of many publicly owned and financed live performance establishments makes them dependent on political developments and changes. This, in turn, often leads to instability and discontinuity in the management of these live performance establishments.

In many countries the publicly owned establishments operate in close collaboration with the political powers. This adds to already unstable situations that are not favourable for the development of a viable social dialogue. In many cases a more individual approach is chosen instead of a collective one in an effort to try to obtain a favourable position over the others. For this reason more often than not arguments of size, discipline and identity are magnified in order to avoid a collective approach.

b. Employers' organisations

As pointed out before and despite the fact that both the EU and the ILO (International Labour Organisation) have been promoting the idea of social dialogue for many years and consequently favour well-organised partners, no employers'/managers' associations exist in most of the countries concerned. Only in a few of these countries have employers' associations been put in place.

Employers' organisations normally play an important role in helping to set the conditions necessary to achieve employment and living standards objectives, through since they can express the needs of companies in a way that no other agency, or even individuals amongst their own membership, could.

In the current economic situation a collective approach to find and bring about solutions for the difficulties the sector is facing could and should help the collective interests of the live performance sector in the various countries.

There is not one recipe for how to set up an employer's organisation. In Italy there is only one organisation regrouping all the performing arts sectors, circuses and entertainment parks. In Bulgaria there is also only one organisation regrouping not only performing arts organisations but also libraries and museums. In France the number of employers' associations is well over 10, resulting in a situation where one performing arts organisation may be a member of two or even three associations.

Within (and outside) the EU there are plenty of possibilities to benefit from the experiences and best practices of employers' associations in other countries.

a. Key challenges of the performing arts as identified by employers/management

▪ Identifying new funding practices

Many countries have a large infrastructure of buildings for live performances, including theatres, concert halls, open-air theatres, cultural centres, etc. These buildings are often part of the cultural heritage and are publicly owned. Many live performance establishments also employ administrative and technical staff on a permanent basis and (sometimes also) an artistic ensemble/formation.

As a result, heavy overheads have to be covered in order to maintain the buildings and pay the salaries. This makes many establishments heavily dependent on public funding. At the same time, in many countries private theatre, music and dance ensembles and productions are often also (co-) financed by public funding.

In general the performing arts sector in the countries of southern Europe is highly dependent on public financing. In almost all countries the employers displayed a great concern about the economic and financial long-term sustainability of the live performance sector in their country. The biggest challenges are to cover rising overheads, ensure social security for the workforce in the sector, compensate for decreasing public finances, reverse the trend in some countries where sponsorship income is falling and to find ways to increase box-office income. All stakeholders in the sector need to identify alternative solutions in order to finance the sector's activities.

- **A fragmented employment market**

In many countries in Southern Europe managers and directors reported that younger artists have restricted access to employment in publicly owned live performance establishments which often goes hand in hand with the absence of vocational reconversion schemes for older musicians and dancers who are employed under life-long employment contracts, sometimes until the age of 65 and beyond (e.g. in Croatia, Slovenia). In some countries this situation was described with the image of 'outsiders' opposing 'insiders', where 'older' civil servants and workers in particular with long-term employment contracts in publicly owned establishments and relatively favourable social protection are considered to 'block' access to employment for younger artists.

- **A (sometimes slowly) developing private live performance sector**

At the same time commercial live performance companies and establishments with absolutely no public funding and numerous employment opportunities are becoming increasingly important in some countries (e.g. France and Spain). Due to the size of the population of several countries there is no (or only a very small) commercial basis for a viable independent live performance scene (Cyprus, FYR of Macedonia, Malta).

- **Greying and diminishing audiences**

In many countries there is a need for the public sector to find new ways of reconnecting with audiences. Audience development can help live performance establishments not only to find a solution to financial constraints but also to reinforce stronger links with local communities and the local economy. In this respect, marketing, public relations and arts education activities need to become further more professional.

- **Territorial restructuring**

In some countries (France, Italy, Spain) important developments are taking place in relation to the internal structuring of the administrative organisation. Decentralisation of national authorities often seems to entail serious consequences for the financing of live performance establishments.

- **More autonomy for employers**

In many countries the lack of autonomy of management in conjunction with considerable inflexibility in the labour market should be addressed in order to enhance the sustainability of the live performance establishments. More room should be given for management to cater for the artistic needs of the organisation and the needs of their employees (professional reconversion schemes, career planning, HRM) in order to better enhance the primary goal of the organisation: the production of art.

2. The situation of workers and their organisations

a. The situation of workers

In many countries in Southern Europe workers are employed as civil servants or under long-term contracts in public live performance establishments, which guarantees them stable social protection. However, decreasing public funding is questioning this status. Many trade unions in the region reported increasingly precarious working and employment conditions for workers in the sector and a growing number of people working as freelancers, either in short-term employment contracts or under service contracts as self-employed workers. Freelancers (be they self-employed or short-term employees) are amongst the most vulnerable workers, facing often insufficient social protection and particularly precarious employment and working conditions. In France the social status for employees (guaranteeing a specific social protection during periods of unemployment between two short-term employment contracts (*intermittents du spectacle*) is coming increasingly under pressure and has been changed substantially in the last years.

Many trade unions interviewed for this study also reported that in particular many younger artists (e.g. Bulgaria, Croatia, Macedonia) voice concern about no or very restricted or no access to employment in publicly owned live performance establishments. This often goes hand in hand with the absence of vocational reconversion schemes for older musicians and dancers. In general young artists are often forced either to 'survive' with a status combined with giving them low social protection (freelance or self-employed) or to leave their country to live and work abroad.

For many dancers and musicians the tourism industry is an important source of employment in Southern Europe. The same is true for the commercial sector in countries such as France and Spain. However, trade unions almost unanimously deplore worse employment and working conditions. Employers in the tourism sector often do not show any willingness to engage in social dialogue with trade unions of performing artists.

As outlined above, many countries do not have any coherent system to guarantee access for workers and artists to vocational training, including the possibility for older musicians and dancers to benefit from professional reconversion schemes.

b. The organisation of workers in trade unions

In general, trade unions for workers in the live performance sector in the twelve countries have been set up and are fully independent of the government. In several countries some categories of professions are not organised at all in trade unions. This is often the case for dancers but also for technicians (e.g. in Cyprus, the FYR of Macedonia and to some extent in Spain).

In some countries there are no profession-specific trade unions and performing arts workers are affiliated to general trade unions of culture workers (e.g. in Croatia or Malta). This is not a problem in itself, especially if the trade union represents the interests of performing arts workers.

Several countries have well-developed profession-specific trade unions, such as Bulgaria, Cyprus, France, Italy, Portugal and Slovenia. Sometime these trade unions are affiliated to a bigger trade union confederation.

c. Key challenges of the performing arts as identified by workers/trade unions

▪ The need to address an increasingly precarious employment market

Full-time professional performing arts workers are often working in publicly owned live performance establishments. In many countries they have the status of civil servants or have long-term contracts as employees. Due to increasing cuts in the public sector (as a result of the critical economic situation in many of the countries concerned) the culture budget is ultimately under threat – and thus employment in the public live performance sector.

However, next to these still relatively “secure” jobs, there are a growing number of freelance artists who have to deal with a very flexible and insecure employment market. They work either as employees with different employers under short-term employment contracts or as self-employed workers under service contracts. Freelance activity and self-employment have been depicted in some cases as a truly voluntary choice of artists in order to work flexibly, combining several work opportunities and offering a satisfactory income, thanks also to the fact that in some countries their social protection is ensured. At the same time, in several countries, freelance activity and self-employment have been described as imposed on artists and workers with increasingly precarious social protection and working conditions. In many countries self-employed and freelance workers are often not organised in trade unions. In the region the trend towards freelance activity and self-employment has increased in recent years, reinforced with the economic crisis. This has led in many countries to a decrease in full-time employment opportunities and to an increase in short-term employment and self-employment and situations of unpaid work (e.g. unpaid rehearsals).

• The need to address precarious working conditions

In many countries trade unions reported increasingly precarious working conditions, including issues such as health and safety at work, working time and low level of wages and pay, which makes it particularly difficult for performing arts professionals to make ends meet.

▪ The need to ‘organise’ the tourism industry

Tourism plays a considerable role in the economies of these countries and is an important source for the employment of thousands of musicians, dancers and singers that perform in clubs, hotels and restaurants. Often performers are semi-professionals, but many also work as freelance professionals on the basis of short-term employment contracts or service contracts. In many countries employers in the hotel and restaurant industry do not consider themselves as being “live performance employers”. Also many artists performing in the tourism industry are not organised in any trade union, although exceptions exist (e.g. Cyprus, Turkey).

▪ The need to ensure economic and financial sustainability of the live performance sector

In almost all countries the trade unions displayed a great concern about the economic and financial long-term sustainability of the live performance sector in their country. Due to the crisis the public budgets for live performance establishments has been reduced in many countries. This obviously directly affects employment opportunities for live performance workers.

▪ The need to ensure a high degree of professionalisation in the sector

A high level of professional skills of live performance workers is essential to ensure a high level of artistic output. Adequate social security systems, accessible educational and vocational training schemes (including professional reconversion schemes) are key elements to reconcile the artistic needs of the live performance establishments and the social and professional development needs of artists and workers.

- **The need to address specific challenges for trade unions**

This includes amongst others the following:

- a decreasing membership, particularly amongst younger workers
- an increasing number of freelance workers, including self-employed workers and the question of how far they can be represented by trade unions
- serious funding problems for the daily activities of trade unions
- decreasing employment opportunities and working conditions and a particularly low average level of wages and pay in the sector
- the need to cooperate and coordinate with other (performing arts workers') trade unions in the country
- the lack of employers' organisations and the absence of social dialogue, including for performing arts workers active in the tourism industry.

3. The situation of social dialogue

All in all, the situation of social dialogue in the live performance sectors in the twelve selected countries is rather varied. There are some common features and challenges, but also many differences; a lot depends on the type of live performance establishments involved (publicly owned establishments, commercial sector) and the responsibility and autonomy granted to management.

In general, trade unions in the twelve countries are fully independent of the government and can conduct collective bargaining at all levels (national, sectorial and establishment).

However, in most countries (i.e. Croatia, Cyprus, FYR of Macedonia, Greece, Malta, Portugal, Slovenia and Turkey) there are no employers' organisations for the publicly owned performing arts organisations (which are still the most important live performance employers). As a result trade unions have no partner for a bi-lateral independent social dialogue, particularly at national level. Only in a few countries does independent collective bargaining take place at national level.

However, the fact that in many countries in Southern Europe there are not yet formally established employers' organisations shouldn't be a problem for social dialogue as such. Social dialogue, fostered by the EU, includes all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy, the main goal of social dialogue being the promotion of consensus building and democratic involvement among the main stakeholders, in this case in the world of the live performance sector.

In many countries in Southern Europe there exists a sort of social dialogue in the form of (mostly) tri-partite deliberation at establishment level. In most cases, however, employers/management have not put themselves or have not been able to be put in a position that allows for a collective approach to issues of common interest of which collective bargaining is one.

Solid solutions need to be put forward to ensure governments give more autonomy to the management of these establishments and that management and labour take on responsibilities.

a. Social dialogue at national level

Only in a few countries is there an established system of bi-lateral social dialogue for the whole live performance sector at national level: France, Italy and Spain.

The lack of social dialogue at national level in all other countries covered in this study is often due to a lack of autonomy of management with respect to the Minister of Culture (or other government bodies), who negotiates directly with unions. Generally the Ministry consults management before it begins the bargaining process, but managers are not in any way in a position to determine the outcome of the bargaining process.

In some countries there is at national level a well-functioning system of tri-partite social dialogue for the publicly owned performing arts organisations:

In Bulgaria *BAROK* has started to take on the role of a performing arts employers' organisation, but it is still not entitled to take part in a direct bi-lateral social dialogue with trade unions at national level.

In Spain, due to the particular distribution of competences between the national and regional levels, the great number of autonomous regions and the huge differences in income levels across regions and in bigger cities, it is difficult to establish a bi-lateral social dialogue at national level, although there are plans for national collective agreements for the whole live performance sector. At regional and local levels there exists a tri-partite dialogue between employers, trade unions and the regional authority/local authority.

The commercial and independent live performance sector is important in some countries (France, Spain) and management and labour are actively involved in bi-lateral or tri-lateral social dialogue at national/regional levels. Social dialogue is rather weakly developed in most of the other countries, partly due to the fact that the commercial and independent sectors are underdeveloped.

In the tourism industry the employers are extremely reluctant to engage in social dialogue with performing arts trade unions. One of the main reasons for the lack of social dialogue in the tourism industry (but also partly in the commercial sector in some countries) is that performing arts workers' unions are often deliberately disregarded. Also, workers often fear negative consequences for their careers if they join a union. Many governments in Southern Europe are reluctant to undertake any mediation to change this situation. Also there seem to be no links or communication (and no encouragements to establish links or to communicate) between the traditional live performance employers and employers of the hotel and restaurant branch.

There is still a very low level of understanding amongst key stakeholders of the importance of independent social dialogue: sometimes trade unions, often employers themselves and mostly national governments and Ministries of Culture (or Finance), do not see the necessity to establish such independent social dialogue structures at national level. Especially for publicly owned live performance establishments, some employers are reluctant to take on responsibility; in some countries trade unions prefer to deal directly with government representatives to negotiate salaries.

b. Social dialogue at establishment level

In a very few countries a fully independent bi-lateral social dialogue takes place at establishment level. This is the case, for example, in France, Italy and Spain.

In most countries covered in this survey (Bulgaria, Cyprus, Greece, Italy, Malta, Portugal and Slovenia) bi-lateral social dialogue takes place at the different publicly funded live performance establishments, and management and trade unions can negotiate labour conditions. However, managers are allowed to discuss salary levels only within the framework of strict instructions from government and they have to be validated by the Ministry responsible (Ministry of Culture/Finance).

In some countries even this bi-lateral social dialogue at establishment level does not exist (Croatia, FYR of Macedonia, Turkey) and negotiations at establishment level are at best tri-part, including the public authority responsible which “owns” the public live performance establishment, and the management responsible.

There are several countries where establishment-specific collective agreements have been put in place in the public live performance sector: Bulgaria, Cyprus, FYR of Macedonia, Greece, Italy, Malta, Slovenia, Spain and Turkey.

Collective agreements with independent or commercial live performance establishment have been concluded for example in Cyprus and Spain. Musicians’ unions in particular try to find arrangements and conclude agreements for single establishments in the tourism industry. Still, collective agreements for performing artists remain rather exceptional. Again, this is partly due to the fact that the role of employers’ organisations in the commercial and independent sectors is underdeveloped, the fact that performing arts workers’ unions are often deliberately disregarded as social dialogue partners, and the fact that workers fear negative consequences for their careers if they join a union.

IV. Conclusions

The current situation of employers, workers and social dialogue in the performing arts in the twelve selected countries calls for the adoption of the following measures:

- **Increase cooperation between all key players**

In some countries trade unions/employers amongst themselves are not working together. A feeling of “competition” often prevails and prevents the trade unions/employers from finding a coherent solution in the common interest of the sector. Also in many countries there is sometimes a lack of cooperation between the two parties, trade unions and employers (and/or their organisations), which can have different causes as outlined in each country profile. The governments (national/regional/local) in the region do not always encourage an open and transparent dialogue with and between all key players. The highly political issues around the sector reinforce this trend.

Cooperation between all key players therefore needs to be encouraged and supported by all: the government (national/regional and local), employers and trade unions, but also the EU and the ILO. This is in the interest of the sector and of everyone involved.

- **Establish independent sector organisations and an independent social dialogue, in both the public and the commercial sectors**

In many of the countries no employers’ organisation exists. In several countries unions face difficulties with decreasing membership affiliation, especially amongst younger artists and workers. In order to create a well-functioning social dialogue, both workers and employers should be encouraged to organise themselves and to develop strategies to better reach their

potential affiliates. Governments need to create a clear regulatory framework which allows for a truly independent bi-lateral social dialogue in both the public and the commercial sectors.

- **Learn from best practices elsewhere**

The EU promotes autonomous social dialogue in all EU countries. There are many good practices of how employers or trade unions are organised and how social dialogue is developed. Despite the particularities of each local context, best practices from elsewhere can help management and labour to find innovative solutions to remedy some of the challenges and problems they face in their own countries. The EU, the ILO and national governments should therefore actively promote exchanges of good practices.

During a conference in Dubrovnik organised jointly by Pearle* and the EAEA in February 2010, the participants adopted a **joint declaration** (see annex 1) which contains a set of detailed recommendations addressed to the European Union, to governments (national/regional and local) of the twelve Southern European countries covered in this study and to management and labour in the performing arts sector.

V. Profile per country

BULGARIA

1. Country profile¹

After 10 years of negotiations Bulgaria became a member of the EU on 1 January 2007. It has a population of 7,204,687 (2009), of whom 1,217,000 (17%) live in the capital, Sofia.

In June 2009 a new government came to office, when GERB (Citizens for European Development of Bulgaria) won the elections. The new government has stated that the fight against corruption is a main policy objective as this hinders the country's development (access to structural funds, for example) and has given it a less favourable image. Decentralisation is another policy objective with great importance to the live performance sector.

GDP per capita:	€ 10,400 (= 41.3% of EU-27 average in 2008)
Unemployment rate (Dec. 2009):	7.9% (EU-27 average: 9.6%)
National budget for culture (2008): (State: 61%, Municipalities: 39%)	€ 246,463,000 (0.88% of GDP)
National spending on culture per capita:	€ 34
National budget for performing arts:	€ 69,470,625 (28%)
National spending on performing arts per capita:	€ 9.60

2. Profile of the live performance sector in Bulgaria

In Bulgaria 42 theatre establishments receive a subsidy from national and/or local government. In Sofia six theatres are subsidised solely by the national government. Another four are subsidised solely by a local authority.

The national government provides for 18 music institutions of which 15 are orchestras affiliated with an opera.

There are another one hundred "registered initiatives" on a list at the Ministry of Culture that are eligible for funding. Ten of these are more or less permanent structures.

Outside Sofia there is a system of co-financing, which means that the national government takes responsibility for the salaries and the local authority takes responsibility for the activities. Every year the national government negotiates with the local authorities in order to determine the relations between the various budgets.

There are many organisations that receive a subsidy from the local authority alone. Their exact number is unknown.

In 2008, box-office income and sponsoring amounted to 32% of the total expenditure of the institutions. This income is not available to help cover the costs of the organisation and has to be returned to the Ministry of Finance. The Ministry may decide to "refund" all or just some

¹ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

of this amount, but due to the current financial crisis hardly anything is in fact returned to the organisation.

The budget for salaries is set by multiplying the number of people employed by the average minimum wage earned in the sector. Variations at establishment level are possible and are related to the number of performances. The average salary earned in the Live Performance Sector is €265 a month (actors may earn €450, while technicians may earn only €150).

The Ministry of Culture provides money for 1,883 employees working in the theatre and for 2,585 employees working in music. Many more people are employed in establishments that are subsidised by local authorities.

Little data and information seem to be available as regards the commercial sector. There are two big private orchestras which operate in Bulgaria on a commercial basis as well as many other private ensembles. These ensembles operate merely as "a brand label", since all musicians are contracted on a freelance basis.

No information is available as regards the exact number of freelance performing artists and especially the number of musicians and dancers working in hotels, restaurants and bars.

There is a big difference in social status between those working in the publicly owned live performance establishments and those working outside these establishments. Freelancers that work more than 40 hours/month are entitled to certain social security benefits.

There is no coherent system of vocational training available for live performance workers, including professional reconversion schemes for older musicians and dancers.

Compliance with European legislation

Under Bulgarian labour law, men and women in the live performance sector can retire at different ages.

The Noise Directive and the Working Time Directive have still not been implemented, and there seems to be very little awareness of European legislation which affects the live performance sector.

3. The situation of employers

Collective bargaining in the public sector is the responsibility of the national government. Pensions, and sickness and disability benefits are all subject to government rules and are distributed by the government itself. The role of management as an employer is thus a limited one. Management of performing arts establishments is further limited by the fact that the centralised government applies very strict budget rules (SEBRA).

At establishment level, management can negotiate collective agreements relating to the organisation of work and to wages (within strict budgetary limits). According to some managers, trade unions are not very representative.

SEBRA, according to everyone concerned, prohibits entrepreneurial developments and, given that the economic crisis is responsible for holding back most of the earned income, prevents management from taking a more entrepreneurial stance.

Employers find it hard to reconcile the needs of an artistic organisation with the rights of employees. An ever increasing part of the budget is taken up by labour costs.

BAROK was founded In March 2008. It is an association that regroups more than 45 cultural institutions in Bulgaria. Among the membership are not only performing arts institutions but also libraries, municipal cultural centres, museums, etc.

BAROK was founded as a direct consequence of earlier conferences organised by the Social Dialogue Committee Live Performance in Tallinn, Budapest, Krakow and Sofia.

BAROK has been a member of PEARLE* since November 2008 and joined the Bulgarian Industrial Association (BIA) in October 2008.

BAROK aims to be both the representative body for the cultural sector and also the employers' association. Its means are limited as the economic situation and the strict budget rules don't allow for a healthy financial basis (it is not allowed to make a provision for membership fees in the budget). Thus, so far the activities have been restricted to representation and advocacy.

BAROK represents Bulgaria's live performance employers at the European level (PEARLE*).

Key challenges:

- Higher budgets, more room for entrepreneurship
- Audience development.

4. The situation of workers and trade unions

There are two main trade unions in the performing arts sector in Bulgaria:

- *UBMD* is the Union of Bulgarian Musicians and Dancers. *UBMD* affiliates are musicians, dancers and technicians in the music and dance sector. It has about 1500 members.
- *UBA* is the Union of Bulgarian Actors. It brings together dramatic actors, puppeteers, playwrights, drama specialists and theatre critics, theatre technicians and administrative staff, variety artists, circus artists, drama teachers, dubbing actors and musicians. *UBA* has about 960 members.

The vast majority of *UBMD* and *UBA* members operate in the public sector. Both organisations are registered trade unions and are members of *CITUB* (*Confederation of Independent Trade Unions in Bulgaria*).

There is no specific technicians' union, as technicians are members of either *UBMD* or *UBA* according to the sector they are involved in (music or theatre).

There are several other associations in the cultural sector (for composers, etc.) but they do not operate as trade unions.

According to trade unions the current main challenge faced in the live performance sector in Bulgaria is the lack of live performance structures. Also trade unions report that there is very little control over what is happening in the commercial sector in terms of working conditions and employment practices.

In general, the level of social protection and minimum wages are considered to be far too low. As a result, many young people give up professional careers. The most talented try to leave the country. According to trade unions, one of the main reasons is the dramatic cuts in State spending on culture.

In addition, unions are very critical of the SEBRA system, whereby any production that is funded with public subsidies is compelled to refund the Ministry of Culture if it makes a profit.

Therefore, no investment is possible and management or performers are given no financial incentives to attract more audience. According to trade unions a new law to encourage sponsorship is needed.

UBMD and *UBA* have a real challenge to attract new members, particularly amongst younger performers.

5. The situation of social dialogue

The situation of social dialogue at national level:

Until the founding of *BAROK*, national and local authorities negotiated directly with trade unions. Management of performing arts institutions is very often not involved (not even in an advisory capacity) in this bargaining process. The 2007 collective agreement in the theatre sector is still in place.

BAROK has taken part in a tri-partite dialogue (with trade unions and government), leading to the signing of a collective agreement in the music and dance sector in July 2009, which is not only binding on *BAROK*-members.

Collective (tri-partite) bargaining is now underway in order to conclude a collective agreement in the theatre sector.

The situation of social dialogue at establishment level:

Management and trade unions have a certain leeway to negotiate labour conditions at establishment level. However, employers still need to refer to the relevant public authorities (State national or local). Management is free to negotiate individual contracts within the budget limits, but recent changes have altered this picture.

6. Conclusions

There is no independent bi-lateral social dialogue between autonomous partners, both at national and establishment level. This is due to the absence of autonomy for the employers.

Trade unions have a challenge to increase membership, particularly amongst younger performers.

The founding of *BAROK* is a positive sign that needs further professionalisation.

CROATIA

1. Country profile²

Since the beginning of 2005 Croatia has been negotiating full membership of the European Union. It has a population of 4,489,409, of whom 973,667 (24.5%) live in the capital, Zagreb.

This has given a new impetus to reforms in all sectors, including the cultural sector. The current government was appointed in 2009.

GDP per capita:	€ 12,865 (63% of EU-27 average 2008)
Unemployment rate (Dec. 2009):	16.1% (EU-27 average: 9.6%)
National budget for culture (2009):	€ 143,229,449
Cultural budget of Zagreb (2009):	€ 79,04,967
Cultural budget of local authorities (2009):	€ 119,718,504 +
National spending on culture (2009):	€ 342,052,920

2. Profile of the live performance sector in Croatia

Since 2000 the culture policy framework of the country has changed significantly and this has had an impact on the live performance sector³.

Decentralisation of the public administration is the key word and it has happened in all fields, including culture. In 2000, several laws were amended to decentralise responsibility for culture. However, due to strong reactions, the process slowed down considerably. This was primarily due to lack of funds on the local level, which is the main reason for not following up with the plans for further decentralisation. There is continuous pressure on the central government to enable fiscal decentralisation, which is a necessary precondition for any other efforts in this direction. So far, the status and number of state-owned institutions has remained almost unchanged and public cultural institutions have not been closed⁴. Nevertheless, the right to appoint and approve directors and to fund a public institution has been transferred from the state to the counties, towns and municipalities.

Cultural institutions are now usually funded by towns (more rarely by counties) and sometimes by the wealthier municipalities. National government owns only two live performance establishments (the three national orchestras are funded by their local authorities: Zagreb, Dubrovnik and Rijeka). The economic recession in Croatia resulted in significant cuts in the budget of the Ministry of Culture for 2009 (from €155m in 2008 to €143m in 2009). Sponsorship and grants to culture were reduced, or even stopped.

² The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

³ Most information in this section is taken from interviews done with professional live performance workers and establishments in Croatia and from Croatia's country profile on the website of the *Compendium on Cultural Policies and Trends in Europe*: <http://www.culturalpolicies.net/web/croatia.php?aid=1>

⁴ The legislation in force lays down that every decision to close an institution must be approved by the Ministry of Culture in order to preserve the existing level of cultural infrastructure.

The new *Law on Theatres* was passed in the Croatian Parliament in spring 2006 and came into force on 1 January 2007. This Law introduces some reforms to the rules and criteria for funding theatres, as well as managing public theatres. The Law establishes theatre councils as the bodies which are responsible for monitoring the programme and business plans of theatres. The Law brings some innovation regarding employment rules for artists: successive 4-year contracts can lead ultimately to life-long employment after 20 years.

The national collective agreement for civil servants guarantees an annual wage increase of 0.33%.

There are 254 live performance establishments outside the public sector (non-governmental organisation). Advisory bodies (every municipality of more than 30,000 inhabitants must have one) attribute subsidies to these non-governmental organisations.

Approximately 1,000 people work in live performance establishments in the public sector (state, counties, towns, municipalities), and if registered they are entitled to social security benefits.

Currently there is no systematic monitoring of trends regarding employment outside the public establishments (i.e. freelance musicians, dancers, actors). According to professional associations, the number of musicians working as freelancers (a total of 5000, all genres taken together) includes many musicians working bars, cafés, restaurants, hotels during the tourist season. However not all of them are full-time professional musicians.

The independent dance scene is described as being very active and closely linked to European contemporary dance networks.

There is a big difference in social status between those working in the live performance sector but outside the public sector and those working inside the public sector. The Secretary of State for Culture named the narrowing of this gap as one of her priorities.

Anyone employed in a public live performance establishment can retire at 65 or after 40 years of employment. However employees can decide not to retire at 65 but to stay on. As there is a considerable gap between the level of wages and the level of pensions, most people decide to stay on.

There is no coherent system of vocational training available for live performance workers, including professional reconversion schemes for older musicians and dancers.

3. The situation of employers

There is no employers' association in Croatia.

Key challenges:

- Pension reform as employees can decide whether or not to retire at 65
- Tax incentives for sponsors
- Involvement of management in collective bargaining.

4. The situation of workers and trade unions

Most people working in the public live performance sector are affiliated (together with other cultural workers such as archivists, librarians, employees of municipal culture centres) with the Union for Workers employed in the cultural sector (*HDSK*). *HDSK* also includes some freelance musicians. The *Croatian Actors' Union* is part of *HDSK*.

Several professional organisations for performing arts exist in Croatia. They are not trade unions (despite the fact that they call themselves 'unions') and therefore cannot negotiate any collective agreement. They include:

- The *Croatian Musicians' Union*, for all musicians except those playing classical music and jazz music.
- The *Croatian Association of Orchestras and Chamber Musicians*
- The *Croatian Society for Musical Artists*
- The *Croatian Society of Professional Ballet Artists*
- The *Croatian Freelance Artists' Association (HZSU)*

No specific professional association seems to exist for technicians.

The aim of many of these professional associations is to represent the interests of artists (including freelance artists) and to lobby the government to improve the position of artists. They offer their members certain tax benefits.

One of the main challenges of associations in Croatia is to ensure a high level of social protection and better working and employment conditions for freelance performing artists who work outside the public live performance establishments.

5. The situation of social dialogue

No independent bilateral social dialogue between management and labour exists, be it at national or at establishment level. All dialogue or negotiations are conducted between trade unions and representatives of public authorities.

Sectorial social dialogue at national level:

In 2003, *HDSK* signed a collective agreement at national level with the Ministry of Culture for all employees working in cultural institutions whose salaries are paid from the state budget. There seems to be a need to clarify the position and rights of those who are employed in institutions as self-employed or freelance artists and cultural workers.

The dialogue did not include any organisation representing the managers of the publicly funded establishments.

No social dialogue at national level exists for people working in tourism or as in the freelancers.

Social dialogue at establishment level:

For the different publicly funded live performance establishments funded at municipal level a social dialogue exists at the level of cities between the *HDSK* and representatives of local authorities and the directors of the institutions.

6. Conclusions

All social dialogue in the live performance sector in Croatia (at national or establishment level) is limited to dialogue between trade unions and representatives from local/national authorities, who are considered as the employers of publicly funded live performance establishments.

No dialogue at all exists between performing arts workers and employers from the tourism industry which provides work for many freelance artists, mainly during the tourist season.

CYPRUS

1. Country profile⁵

Cyprus has been a member of the EU since 2004. It has a population of 796,740 (2005), of whom 309,500 (39%) live in the capital, Nicosia.

GDP per capita:	€ 24,000 (95.8% of EU-27 average in 2008)
Unemployment rate (Dec. 2009):	4.9% (EU-27 average: 9.6%)
National budget for culture (2009):	€ 16,000,000 (1% of GDP)
National spending on culture per capita:	€ 20

The following information does not concern the northern part of the Republic of Cyprus.

2. Profile of the live performance sector in Cyprus

The professional performing arts sector in Cyprus is a small sector.

THOC (Cyprus Theatre organisation) is a semi-governmental body which is the main employer in the theatre sector (4 stages). It produces plays, organises writing contests and is also responsible for the allocation of State funds to independent theatres in Cyprus. The technical- and administrative staff are permanently employed by the foundation (status equal to civil servants). Artists are contracted on a yearly basis (24) or on 3-month or hourly contracts (40). Salaries are between €1,250 and €4,500 per month.

Since 2006 the legal position of the orchestra (*Cyprus State Orchestra*) has changed. It is now a private foundation (*Symphony Orchestra*) that receives a subsidy from the Ministry of Culture. The administrative staff of the Symphony Orchestra is permanently employed by the Orchestra foundation. The musicians (41) are permanently employed under the terms of a collective agreement. In order to minimise the use of extras there are plans to contract 12 more musicians. Salaries (in 2010) are between €1,600 (for musicians) and €2,640 (concertmaster) per month.

There are several independent live performance establishments which are publicly subsidised: 13 theatres, 60 music bands, two chamber orchestras and 8 dance companies.

As regards the commercial live performance sector, no detailed statistics are available. The tourism industry (about 60 to 80 hotels and 100 clubs and restaurants) employs musicians and dancers (semi-professional and professional). Artists work on the basis of service contracts.

All in all the total number of live performance workers in Cyprus is between 3000 and 5000 people, according to the Ministry of Culture. This also includes people who have another job to make ends meet. Trade union estimates are lower: about 400 actors, 100 dancers, 50 technicians, 50 musicians from the orchestra. According to *PASYNEK* (*PanCyprian*

⁵ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

Musicians' Union), about 500 musicians are regularly employed in the private sector (hotels, restaurants, clubs). There are approximately 12 small dance groups and more than 80 dancers and choreographers active in the field of modern/contemporary dance. They are all self-employed and work mainly on a part-time basis.

There is a big difference in social status between those working inside the public sector and those working outside the public sector as freelancers.

There is no coherent system of vocational training available for live performance workers, including professional reconversion schemes for older musicians and dancers.

There are no labour law provisions in the Republic of Cyprus that relate particularly to the live performance sector. The general law is applicable.

Compliance with European legislation

- The Noise Directive has not yet been implemented.

The economic crisis has had a severe impact on jobs that are connected to the tourism industry. This year, the hotels have faced a 30% decrease in reservations, which has had an impact on the job of freelance musicians.

3. The situation of employers

There is no employers' organisation in Cyprus.

At company level, management at *THOC* concludes collective agreements that cover working relations.

Since privatisation of the State Orchestra (now the *Symphony Orchestra*), the management of the orchestra has carried out the role of the employer when it comes to the contracts of all employees.

There is no representation at European (PEARLE*) level. According to a spokesman at the Ministry of Social Affairs, Cypriot law makes it hard for public organisations to become a member of an association (of any kind).

Key challenges:

- National budget for culture under threat
- Audiences
- Artistic quality of the orchestra
- More international cooperation/mobility.

4. The situation of workers and trade unions

Workers in the performing arts sector in Cyprus are organised in the following trade unions:

- *PASYNEK* – is the *PanCyprian Musicians' Union*. It regroups approximately 200 Greek Cypriot musicians and singers who perform Greek music as well as international pop music, mainly in the private sector. It is a registered trade union which was founded in mid-2003.
- *SOMESOK PASEY PEO* regroups the musicians and the administrative staff of the Symphony Orchestra. This trade union is a member of *PEO*, the *Pan-Cyprian Federation of Labour*

- *AUC-SEK* is the *Cyprus Actors' Union*. It has 150 members, mainly made up of actors and technicians operating in the public and publicly-subsidised theatre sector. Some members are also former actors who act as theatre directors. It is a registered trade union and is affiliated to *SEK*, the *Cyprus Workers' Confederation* which is member of the *ETUC*.
- *SIDIKEK PEO* is the *Theatre Artists' Union*. It has been created recently following a split of *AUC-SEK*. It has about 50 members, including actors and technicians, and is a member of *PEO*
- The *Cyprus Dance Association* represents teachers of contemporary/modern dance. Its role is not to defend the rights of dancers as a trade union. All dancers performing contemporary/modern dance are self-employed.

In the Republic of Cyprus, folk/traditional dancers are not organised at all, mainly because they are mostly amateurs.

Technicians and administrative staff working permanently in the administration of *THOC* are mainly affiliated to the *Union of Semi-governmental and Local Authorities of Cyprus Employees*. This trade union is part of *PEO* and some employees are also affiliated to *SEK*.

Trade unions have raised several key issues of concern as regards the live performance sector in Cyprus:

- There is fierce competition with foreign artists, in particular with those who speak Greek. According to several of those interviewed this is due to the fact that there are too many performers for a small market like Cyprus, which puts strong pressure on wages. In the music industry, according to trade unions the competition from abroad is due to a lack of initial professional training in Cyprus. For example, there are no bassoon classes in the country; therefore, the orchestra cannot recruit national bassoon players.
- A specific concern has been raised in relation to the public funding of theatre. All public subsidies are given by *THOC* which itself manages several theatres. This is seen as a lack of transparency and an unhealthy situation whereby the main theatre will decide on the way competing theatre will be funded. In the same sector, there is a big discrepancy between the salaries of *THOC* members and those of other companies' members.
- *PASYNEK* points out the lack of social protection for freelancers as well as the difficult situation of musicians who face competition with those musicians who already have a job in a public institution.

5. The situation of social dialogue

The situation of social dialogue at national level:

There is no system of bi-lateral social dialogue at national level and no nation-wide collective agreement applicable to the whole live performance sector has been negotiated so far. While all trade unions are fully independent of the government and free from its interference when carrying out collective bargaining discussions, the particular status of *THOC* does not enable the management to conduct an independent bi-lateral social dialogue.

The control *THOC* has over the subsidies of independent theatres has an effect on the way social dialogue is conducted in independent theatres.

Employers' organisations regrouping hotel, club and restaurant owners are independent of the government and free from its interference in carrying out bilateral discussions with trade unions. *PASYNEK* is trying to negotiate a collective agreement with *PASIKSE* (hotels) and *PASYKA* (clubs and restaurants) However, the main problem is that these employers are quite unwilling to negotiate collective agreements, as they do not consider musicians as 'employees'.

The situation of social dialogue at establishment level:

Collective agreements are regularly concluded at establishment level, especially in bigger institutions like the *National Theatre* and the *Cyprus Symphony Orchestra*.

At *THOC* the management negotiates collective agreements with the Actors' Union every two years. These collective agreements concern the 24 actors who work permanently for *THOC* and some 40 actors who are employed occasionally under 3-6 month contracts.

The *Symphony Orchestra* has concluded a collective agreement at establishment level with the unions. This collective agreement covers the period 2007-2010. All musicians (41) are permanently employed under the terms of a collective agreement. Any new members of the orchestra come under the same status after a one-year probation period. For the purpose of the bargaining process the *Symphony Orchestra's* management collaborates with one of the biggest employers' associations in the country. However the management of the *Symphony Orchestra* needs permission from the Ministry to sign the contract.

Collective agreements have also been signed at establishment level between trade unions and the independent theatres. These collective agreements apply only to those professional actors who are members of the *Cyprus Actors' Union*.

It seems that agreements are correctly enforced. In Cyprus collective agreements are considered to be 'gentleman's agreements'. Disputes are normally settled through arbitration or mediation at the Ministry of Labour. However, management and labour remain free not to follow the Ministry's advice.

6. Conclusions

There is no independent bi-lateral social dialogue at national level or establishment level for the major live performance establishments in Cyprus. This is due to the specific status of *THOC* as a semi-governmental organisation.

The part privatisation of the orchestra has led to a more autonomous role of the orchestra's management in collective bargaining.

FRANCE

1. Country profile⁶

France has been a member of the EU since 1957. It has a population of 64,057,792, of whom 2,181,371 (3.4%) live in the capital, Paris, and 11,174,740 (17.5%) in the greater Paris region 'Ile-de-France'.

GDP per capita:	€ 27,100 (107.9% of the EU-27 average (2008))
Unemployment rate (Dec. 2009):	8.8% (EU-27 average: 9.6%)
National spending on culture:	€ 12,040,000,000 (2002)
Of which	
National government:	€ 6,200,000,000
Departments	€ 1,100,000,000
Municipalities	€ 4,100,000,000
Regions	€ 360,000,000
Inter-municipal	€ 280,000,000
Cultural spending per capita:	€ 197.20

In France there are almost 37,000 municipalities, only 921 (2.7%) of which have a population of more than 10,000 people. The French government has published plans to restructure the responsibilities of the four levels of government. This may lead to radical changes in the current division of subsidies to the performing arts organisations.

2. Profile of the live performance sector in France⁷

The Ministry of Culture and Communication is responsible for the implementation of government-initiated action in the field of culture throughout the French territory. However, the Ministry does not have a monopoly over cultural action, which is also, to a large degree, initiated by the local and regional authorities. In fact local authorities manage most local cultural facilities and organise a large number of cultural events in their area (e.g. festivals), partly in cooperation with the Ministry of Culture and Communication.

The Ministry of Culture and Communication is responsible for the implementation and supervision of laws and provisions relating to culture, and supports culture by means of public funds allotted to the Ministry from the national budget. The public sector plays a major role in supporting culture in France. A large part of state-supported cultural activity is organised by private individuals and groupings alongside numerous associative structures.

Currently one of the main cultural policy priorities in France is decentralisation. According to the Ministry of Culture, another main challenge is to better structure the sector.

⁶ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

⁷ Most information in this section is taken from interviews done with professional live performance workers and establishments in France and from the Compendium on Cultural Policies and Trends in Europe: <http://www.culturalpolicies.net/web/france.php?aid=1>

A detailed picture of the subsidised sector is given in the annual branch reports, published by several French performing arts employers' organisations⁸.

Although it is not easy to clearly distinguish between subsidised and commercial sectors, statistics dated 2006-2007 indicate that there are more than 5,700 publicly subsidised live performance establishments and more than 11,000 'commercial' establishments. There are 8 public institutions called "Théâtre National". All in all, in 2008 8% of all live performance establishments were publicly owned, 45% were publicly subsidised and 47% were commercial.

Some 200,000 people work on a regular basis in the sector. According to trade unions the total number reaches 300,000 if individuals having at least one engagement within a year are included.

General legislative employment provisions (on maternity leave, working conditions, health and safety at work, etc.) also apply to the performing arts sector. In the case of serious illness, state support is possible by virtue of specific legislation. In addition, all employment-related matters are covered by specific provisions contained in collective agreements that have been extended by the government to be applicable to all live performance establishments in the country. Concerning health and safety, specific regulations applying in the sector are in force (e.g. risk prevention plans). There are specific arrangements for artists in the fields of call contracts, licensing of impresarios, holiday pay and unemployment benefits for artists and related technicians.

The financial crisis raises different concerns within the sector. Many workers fear a decrease in public subsidies, especially at local level, which will ultimately have an impact on employment opportunities and working conditions. Equally, it seems that audiences are more and more affected by the financial crisis.

3. The situation of employers

The enormous diversity in the production of live performance in France is mirrored in an equally diverse landscape of employers' associations and professional organisations. These associations are not affiliated to bigger, national employers' associations. However, in recent times efforts have been made to regroup the associations in *FEPS (Fédération Nationale des Employeurs du Spectacle Vivant Public et Privé* (National Federation of Employers in the Public and Commercial Performing Arts); subscription fee of €2,000) and *FESAC (Fédération des Entreprises du Spectacle Vivant, de la Musique, de l'Audiovisuel et du Cinéma* (Federation of Employers in the Performing Arts, Recording Industry, Audiovisual Industry and Cinema; no subscription fee). Both aim to advocate the interests of employers' associations in the field of live performance and (FESAC) the audiovisual industry.

The following 8 associations have signed the main collective agreement in the subsidised performing arts:

- *CPDO*, Chambre professionnelle des directeurs d'opéra (Chamber of Opera Directors)
- *PROFEVIS*, Syndicat professionnel des ensembles vocaux et instrumentaux spécialisés (Association of Professional Vocal and Instrument Ensembles)
- *SCC*, Syndicat du cirque de création (Association of circuses)
- *SMA*, Syndicat des musiques actuelles (Association of Contemporary Music)
- *SNSP*, Syndicat national des scènes publiques (National Association of Public Venues)

⁸ See 'Rapport de branche 2008 des entreprises artistiques et culturelles': <http://www.sma-syndicat.org/documents/rapport%20de%20branche%2008.pdf>

- *SYNAVI*, Syndicat national des arts vivants (National Association for the Performing Arts)
- *SYNDEAC*, Syndicat national des entreprises artistiques et culturelles (National Association of Artistic and Cultural Companies)
- *SYNOLYR*, Syndicat national des orchestres et des théâtres lyriques subventionnés de droit privé (National Association of Subsidised Orchestras and Opera Companies).

The following 7 associations are currently negotiating the main collective agreement in the commercial performing arts sector:

- *CSCAD*, *Chambre syndicale des cabarets artistiques et discothèques* (Chamber of Artistic Cabarets and Discos)
- *PRODISS*, *Syndicat National des Producteurs, Diffuseurs et Salles de Spectacles* (National Association of Producers, Promoters and Venues)
- *SCC*, *Syndicat du cirque de creation* (Association of Circus Creation)
- *SMA*, *Syndicat national des petites et moyennes structures non lucratives de Musiques Actuelles* (National Association of Small and Medium-sized Not-for Profit Structures for Contemporary Music)
- *SNDTP*, *Syndicat National des Directeurs et Tourneurs du Théâtre Privé* (National Association of Private Theatre Directors and Touring Promoters)
- *SNES*, *Syndicat National des Entrepreneurs de Spectacles* (National Association of Performing Arts Entrepreneurs)
- *Syndicat de cirque traditionnel* (Association of Traditional Circus).

Until this agreement is signed, parts of the commercial sector are already covered by three existing collective agreements:

- *Convention collective chanson, variétés, jazz, musiques actuelles* (collective agreement for chanson, varieties, jazz and contemporary music), negotiated by *PRODISS*, which regroups some 300 companies and producers in the fields of pop music, contemporary music, musicals and stand-up comedy.
- *Convention collective nationale des théâtres privés* (national collective agreement for private theatres), negotiated by private theatres (mainly in Paris) who have joined forces with the *SNDTP*.
- *Convention collective des entrepreneurs de spectacles, artistes dramatiques, lyriques, chorégraphiques, variétés et musiciens*, (collective agreement for entrepreneurs of performances, drama artists, lyrical artists, choreographers, variety artists and musicians) negotiated by the *SNES* which brings together tour managers from different artistic disciplines.

CPDO, *SYNOLYR*, *SYNDEAC*, *SNSP*, *PRODISS*, *SNDTP*, *SNES* and *PROFEVIS* are all members of PEARLE*.

Key challenges

- Consequences of credit crunch (budget cuts, fewer sponsors)
- Consequences of the current reform of the political structure of territorial levels of government
- Increasing costs of copyright
- Connection between drama/dance academies and conservatoires and the professional world
- Professional reconversion scheme for older musicians and dancers (dancers at the National Opera retire at the age of 42).

4. The situation of workers and trade unions

People working in the performing arts sector in France can have different employment status, including civil servant, employees or self-employed. Since 1973, any performing artist⁹ engaged in return for payment by appearing in public is presumed to be engaged under a contract of employment unless s/he carries on her/his activity as a commercial live-stage businessperson. Performing artists benefit from special rules of access to social insurance, particularly unemployment insurance, as a result of the occasional nature of their work. Once a performing artist in this sector has completed a specified number of hours in any one year (507 hours), s/he is entitled to special unemployment insurance.

The main trade unions in France for performing arts workers are part of the following trade union federations which are affiliated to a confederation:

- *FNSAC-CGT – Fédération Nationale des Syndicats du Spectacle, de l’Audiovisuel et de l’action culturelle* (Federation of National Trade Unions for Performing Arts, Audiovisual and Cultural Action)
- *F3C-CFDT – Syndicat National des Artistes et des Professionnels de l’Animation, du Sport et de la Culture* (National Trade Union for Artists and Professionals in Entertainment, Sport and Culture)
- *FASAP-FO – Fédération des Syndicats des Arts, des Spectacles, de l’Audiovisuel, de la Presse, de la Communication et du Multimédia* (Trade Union Federation for the Arts, Entertainment, Audiovisual Industry, Press, Communication and Multimedia).
- *FCCS – CFE-CGC - Fédération de la Culture, de la Communication et du Spectacle* (Federation for Culture, Communication and Performance).

The above-mentioned federations are affiliated to either of the following confederations:

- *CGT, Confédération Générale du Travail* (General Confederation of Labour)
- *CFDT, Confédération française démocratique du travail* (French Democratic Confederation of Labour)
- *FO, Force Ouvrière* (Workers' Force)
- *CFE-CGC, Confédération Générale des Cadres* (Confederation of Management – General Confederation of Executives).

In addition, independent unions exist, including:

- *UNSA, Union nationale des syndicats autonomes* (National Union of Autonomous Unions)
- *SUD, Solidaires Unitaires Démocratiques*
- *SAMUP, Syndicat des artistes-interprètes et enseignants de la musique et de la danse de Paris Ile de France* (Trade Union of Artists and Music and Dance Teachers of Paris Ile de France region).

All the above-mentioned are registered as trade unions. However, any organisation that is not affiliated to one of the trade union confederations (*CGT, CFDT, FO*, etc.) needs to show its ability to represent workers branch-by-branch and enterprise-by-enterprise. *UNSA* and *SAMUP* are not recognised as representatives at branch level. *SUD* was recognised as representative only at the *Théâtre de la Colline* and the *Paris Opera*.

⁹ The term “live-stage artists” or “performing artist” includes: opera singers, stage actors, choreographic artists, variety artists, musicians, cabaret singers, bit players, orchestral conductors, and arrangers-orchestrators and directors (for the physical execution of their artistic designs). See in particular the study ‘The Status of the Artist in Europe’, carried out for the European Parliament by the European Institute for Comparative Cultural Research (ERICarts), Bonn, Suzanne Capiou, Andreas Johannes Wiesand, 2006: <http://www.europarl.europa.eu/activities/committees/studies/download.do?file=13248>

At international level, *SNAM-CGT* is a member of *FIM*, *SFA-CGT* a member of *FIA*, and *SYNPTAC-CGT* a member of *UNI-MEI*. They are the most representative trade unions in the live performance sector in France.

As far as trade unions are concerned, the live performance sector in France faces the following concerns and priorities:

- The fight against precarious forms of work
- Rising concern in relation to the future of public financing both at state and local level
- Rising concern with respect to low wages and declining working conditions
- Securing professional paths
- Job creation in the sector
- Concerns about the transposition (and impact) of the EU “service directive” within the sector
- Adapting technicians to new technologies
- Excessive importance given to the place of “amateurs” (e.g. increasing use of amateurs in choirs, theatres, etc.).

5. The situation of social dialogue

Social dialogue in the live performance sector in France is very well established. It takes 3 forms:

- A permanent consultation body (Comité National/Régional des Professions du Spectacle) between trade unions and employers and public authorities (both at national and regional levels) to deal with on-going issues
- Collective bargaining (Commission Mixte Paritaire, which is chaired by a representative of the Ministry of Labour). This Committee is the body that concludes, adapts and follows up collective agreements. The government’s role is limited to chairing the “Commission Mixte Paritaire” and assisting management and labour (if needed). However, the government cannot play the role of an arbitrator.
- Joint bodies that are co-administered bodies managing services for workers (AFDAS for life-long learning, AUDIENS for pensions, health, social assistance, Pôle Emploi for the unemployed and “Fonds de soutien” – a support scheme – like ASTP, FCM, CNV, etc. to support cultural activities).

Collective agreements are only binding on employers that are members of the signatory employers’ organisations. However, the government can make them generally binding on all the employers of the sector, through an extension procedure; in practice, this happens very often. Collective agreements in France apply to labour agreements only, but this is not prejudicial in France as there is a presumption that labour contracts (both short-term and long-term) apply to performers, and they are extremely protective. Therefore, only those performers who work as self-employed people are considered as ‘real entrepreneurs’.

Currently efforts under pressure of the Ministry are being undertaken to limit the number of national collective agreements that are in force by merging some of them. Before 2005, there were 47 collective agreements. In 2005, the number was limited to nine.

Recently the first eight of the above-mentioned employers’ associations concluded a single collective agreement for the subsidised sector with trade unions from four federations.

For the commercial sector, there are existing sector-specific collective agreements as mentioned above, but an all-encompassing agreement for the entire commercial sector is currently being negotiated.

6. Conclusions

In France the live performance sector has an extensive social dialogue at national level.

Some professionals state that there is a tendency towards too many meetings and too much consultation.

GREECE

1. Country profile¹⁰

Greece has been a member of the EU since 1981. It has a population of 11,262,500 (2001), of whom 745,514 live in the capital, Athens, and 3 to 4 million in the greater Athens area.

GDP per capita:	€ 23,600 (94.3% of EU-27 average in 2008)
Unemployment rate (Dec. 2009):	9.7% (EU-27 average: 9.6%)
National budget for culture (20068):	€ 567,981,681 (0.25% of GDP)
National budget for performing arts:	€ 57,949,000
National spending on culture per capita:	€ 32
National spending on performing arts per capita:	€ 5.40

In late 2009 the new government was confronted with the very serious economic situation of Greece. It is still uncertain what repercussions this situation will have on the (public) live performance sector.

2. The live performance sector in Greece

It has not been easy to get a clear picture of the current situation of the Greek performing arts sector.

In both Athens and Thessaloniki there is a resident national orchestra of 126 musicians. All employees are civil servants. In Athens there are another three orchestras (amongst which one radio and one opera). Another four musical ensembles receive structural subsidies. Approximately 480 people are employed in the subsidised music sector. The average salary is €1,500 per month.

In the theatre sector there are two big organisations (Athens and Thessaloniki) that perform on more than ten stages. Employees in these establishments are civil servants.

In Athens alone there are over a hundred small theatre venues (\pm 100 seats) and many small production initiatives that work on a project basis. The *National Centre for Theatre and Dance* (budget €4m) distributes roughly €2.5m to these initiatives.

There is a big difference in social-economic status between those working in the performing arts sector but outside the public sector and those working inside the public sector.

Usually, performers outside the publicly owned establishments work on short-term engagements, either as independent contractors or on a daily salary basis; they often find it difficult to collect the necessary time credits in order to receive a full pension.

¹⁰ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

Apart from the subsidised music scene, a lively commercial music scene exists, mainly in/for the tourism industry. Furthermore there is a lot of activity in folk music and dance. No data was available.

There is a fair amount of commercial activity in the theatre sector. However, there was no data available related to the production and the total number of live performance workers. In general it proved impossible to get a picture of the total number of people working in the live performance sector in Greece.

There are no specific laws for the live performance sector.

Compliance with European legislation

Neither the Noise Directive nor the Working Time Directive has been implemented yet. There seems to be very little awareness of European legislation affecting the live performance sector.

3. The situation of employers

As there are a limited number of performing arts institutions that are financed by government, and since the role of government in the determining of working conditions is extensive, managers of these institutions do not see much reason to form an (employers') association. There is no organised representation of employers that can take part in a social dialogue.

There is no Greek employers' representation at European (PEARLE*) level.

Key challenges

- Consequences of the credit crunch.

4. The situation of workers and trade unions.

There are several trade unions in Greece for technicians, musicians and actors. *POTHA* is the federation of entertainment unions covering actors, musicians and technicians.

The following are some of the main problems and difficulties faced by performing artists in Greece:

- Collective agreements in the entertainment sector have resulted in higher increases in salaries after cross-sector negotiations in 2008 following the strike. However, employers put a lot of pressure on performers and unions
- Training is a major issue of concern. Most schools are private and access is difficult.
- The informal labour market has increased significantly
- Foreign productions dominate the local opera scene in Greece
- Performers are frightened of becoming trade union activists (even when they are already members of a trade union) because of pressure from employers
- Health and safety: employers try to shift responsibility onto workers.

5. The situation of social dialogue

As regards collective bargaining on the part of the trade unions, the confederations, the entertainment federation and the craft unions are extremely autonomous. The general cross-sector national agreements build the framework for the collective agreements in the entertainment sector. In general in Greece, minimum wages are defined in a collective agreement and not by national law.

The situation of social dialogue at national level:

Some national collective agreements have been concluded between unions and the government to cover actors. However, management of performing arts organisations is not involved in the bargaining process at national level.

Some collective agreements have been extended to apply to all performing arts employers in a given sub-sector (this is the case, for example, for a collective agreement for musicians working for local authorities and nightclubs).

The situation of social dialogue at establishment level:

At establishment level management can negotiate agreements relating to the organisation of work.

There are different collective agreements for actors in the *National Theatre* in Athens, the *Northern State Theatre* in Thessaloniki and in regional theatres. According to trade unions, the collective agreements in force in theatres are breached regularly.

Technicians have establishment agreements in most institutions, e.g. at the *National Opera*.

6. Conclusions

There is no room for independent social dialogue between autonomous partners, either at national or at establishment level. There is a long way to meet EU requirements.

ITALY

1. Country profile¹¹

Italy has been a member of the EU since 1957. It has a population of 58,126,212, of whom roughly 2,700,000 (4.6%) live in the capital, Rome, and an estimated 3,700,000 (6.4%) in the greater Rome area.

GDP per capita:	€ 25,600 (102% of the EU-27 average 2008)
Unemployment rate (Dec. 2009):	8.5% (EU-27: 9,6%)
National spending on culture (2000):	€ 6,475,200,000 (0.57% of GDP)
Of which	
State:	€ 3,242,300,000
Provinces:	€ 205,000,000
Local authorities:	€ 2.039,500,000
State support in 2007:	€ 390,000,000 (1,775 financial grants)
Spending on culture per capita:	€112

2. Profile of the live performance sector in Italy¹²

In Italy, four levels of government – state, regions, provinces and municipalities – share responsibilities in the field of culture. Although important changes in cultural governance structures are under way, the state still remains responsible for the allocation of half, or more, of the total public expenditure for culture. The budgets for the arts have stagnated since 2000 and in real terms the cultural sector has suffered a downturn in the budget.

The live performing arts are undergoing a period of institutional uncertainty due both to financial constraints, and to the persisting ambiguity in the interpretation of joint state/regional competence. Often it remains unclear which government layer is responsible and this results in stagnation in the decision-making process. This is particularly acute for performing arts companies which travel within the country. A parliamentary bill on live performing arts, which was circulated by the Ministry in summer 2007, fell short of finding a general consensus. A new bill is currently being debated in parliament, the aim of which is to set a framework for competences, tasks and financial structures of the performing arts.

Italy's publicly owned performing arts establishments include around 43,000 places of entertainment, 14 symphonic/opera foundations (governed by representatives of all four levels of government), 71 resident theatres ("stabili pubblici; in bigger cities, including state theatres), 13 orchestras, 28 'traditional theatres' ("teatri di tradizione") and 20 other undertakings.

¹¹ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

¹² A recent publication (2009) of the Ministry for Cultural Heritage and Activities provides detailed figures from 2008 on performing arts and other sub-sectors of the culture sector in Italy: www.beniculturali.it

Another 1,290 organisations in the music sector, 145 in the dance sector and 402 in the theatre sector receive about €90m, subsidised by the four levels of government.

Approximately 50 theatres are not part of the public sector; there are many private theatre and dance companies and music ensembles. Although the total number is not known, many private theatre companies also get some public financing (approx. 200 companies).

Theatres and theatre companies work on a seasonal basis (*stagione*). In practice, actors are employed under short-term contracts for the duration of one season.

There are no official statistics as to the total number of workers in the performing arts. Trade unions estimate the total number of professional actors at approx. 15,000-20,000. The Ministry of Culture estimates that some 200,000 “families” (households) have income through work in the cultural sector.

There are big variations in wages within Italy from one region to another and in particular between the North and the South. The average annual income of performing arts workers is about €8,000.

General labour legislation applies to the sector.

There are many ongoing legal disputes as to the short-term nature of employment contracts.

There is no coherent system of vocational training available for live performance workers, including professional reconversion for older musicians and dancers.

3. The situation of employers

AGIS is the only employers’ organisation regrouping employers from the whole of the live performance sector (except for dance and including circuses and entertainment parks. Within AGIS different departments handle different sectors (e.g. *Plateia* is the bargaining body for the *Teatro Pubblici* (Public Theatres)).

The dance companies haven’t organised themselves yet.

ARAN is an agency that negotiates on behalf of employers in the regions.

Key challenges

- Coordination between levels of government
- Cutbacks everywhere
- Greying of audiences
- Costs.

AGIS has ceased to be a member of PEARLE*.

4. The situation of workers and trade unions

Several trade unions in Italy represent workers in the performing arts. These trade unions are part of the main national trade union confederations:

- *CGIL, Confederazione Generale Italiana del Lavoro* (Italian General Confederation of Labour)
- *CISL, Confederazione Italiana Sindacati Lavoratori* (Italian Confederation of Trade Unions)

- *UIL, Unione Italiana del Lavoro* (Italian Labour Union).

The main trade unions active in the performing arts are the following:

- *SAI-SLC CGIL, Sindacato Attori Italiano* (Italian Actors' Union) is affiliated to *SLC CGIL, Sindacato Lavoratori Comunicazione - Area Produzione dei Contenuti Culturali* (Communication Workers' Union). *SAI-SLC CGIL* is a member of *FIA*.
- *SIAM-SLC CGIL* is the *Musicians' Union*, affiliated to *SLC CGIL*.
- *FISTel-CISL, Federazione dello spettacolo, informazione e telecomunicazioni* (Trade Union Federation of Performing Arts, Information and Communication). *FISTel-CISL* is member of *UNI MEI*.

These trade unions represent actors, technicians, administrative staff, dancers, musicians and opera singers employed by permanent theatres, professional theatre companies, musical comedy, variety and operetta companies, lyrical- symphonic foundations, orchestras, vocal groups, etc. The percentage of affiliation to trade unions is around 10% of the work force.

These trade unions also have members amongst freelance actors and musicians. Freelance dancers are not organised in any trade union.

According to trade unions the financial crisis has had a serious impact on the performing arts. This includes reduced public financing for (private and public) performing arts companies, thus reducing employment working opportunities for performing arts workers and establishments and cuts in income support for actors, musicians and dancers. Professionals noticed a substantial increase in unemployment, a significant decrease in theatre and concert seasons and rehearsals, longer waiting times before finding new work in the artistic field, a decrease in the demand for labour (e.g. for wardrobe assistants, technicians, etc.) and a significant falling-off of audiences at live performances.

Many trade unions described the relations with the current Ministry of Culture and government as 'conflicting' and 'difficult'. The above-mentioned concerns of the performing arts workforce seem not to be taken sufficiently into account by the current government.

5. The situation of social dialogue

The situation of social dialogue at national level:

In the performing arts in Italy social dialogue takes place mainly at national level. Several sectorial collective agreements have been concluded for specific types of live performance establishments. These collective agreements have been negotiated and concluded between the above-mentioned trade unions and *AG/S* (non-exhaustive list of collective agreements):

- One collective agreement for all 14 national opera houses
- One collective agreement applicable for publicly owned theatres and *ETI (Ente Teatrato Italiano, Italian Theatre Institute)*
- One collective agreement for artistic theatres
- One collective agreement for foundations for lyric symphonies.

The collective agreements provide for a minimum salary.

The situation of social dialogue at establishment level:

At establishment level additional arrangements were made until recently when the national government intervened. Now such additional arrangements are forbidden in order to put a hold on spending. The Ministry considers that the only available choice of survival is “either more money or cheaper contracts”.

The collective agreements are binding on all the employers in the sector, regardless of whether they are members of *AG/S* or not. The collective agreements apply to all employees in Italy working in these establishments.

6. Conclusions

Social dialogue and collective bargaining seems to function in Italy, at least for those establishments where the employers' organisation *AG/S* is represented.

AG/S is no longer a member of PEARLE* and therefore Italy's employers are not represented in social dialogue at European level.

The negative impact of the current economic crisis and the persistent uncertainty as regards the responsibility of the different levels of government for the performing arts have led the sector to a general feeling of insecurity.

FYR OF MACEDONIA (FYROM)

1. Country profile¹³

In December 2005, the Former Yugoslav Republic (FYR) of Macedonia was granted the status of an EU candidate country. It has a population of 2,066,718, of whom 507,000 (24.5%) live in the greater Skopje area.

Harmonisation of the legal system with EU standards is a priority in the programmes of the government and the parliament, and the EU integration process has been on the agenda at all levels of government.

GDP per capita:	€ 8,100 (32.3% of the EU-27 average in 2008)
Unemployment rate (Dec. 2009):	8.5% (EU-27 average: 9.6%)
Government spending on cultural institutions:	€ 31,934,868 (2008)
Government spending on live performance:	€ 3,918,408

2. Profile of the live performance sector in the FYR of Macedonia

In 2003, the government started the process of decentralisation in the field of culture. The *Law on Culture* was amended in 2003 and 2005 to include provisions clarifying the position of local governments in financing cultural activities of local interest. As a result only 51 (from the previous 115) institutions gained the status of national institutions that are completely financed by the Ministry of Culture. All other cultural institutions are considered local and have to be financed by the local governments (salaries, running costs, etc.).

De facto, the Ministry of Culture remains the main source of funding for culture in the country (90%). It provides annual funding to national cultural institutions (salaries, investments, running costs such as heating, insurance of equipment, buildings, etc.) and to specific programmes that distribute funds on the basis of competition. There is no data available on the local (municipal) government expenditure on culture.

The economic crisis has hit the country's economy hard, including its public finances which ultimately may also impact on the live performance sector. At the same time the construction of the new Philharmonic building in Skopje started in 2008 and the opening of a new *Skopje City Theatre* was announced in 2009.

The FYR of Macedonia has approximately 25-30 theatres (out of which five have the status of a 'National theatre'). The major live performance establishments are based in Skopje: the *Philharmonic Orchestra*, the *Opera and Ballet* and a traditional folk dance and music ensemble, called *Tanec*.

There are about 1000 workers employed on a permanent basis in the country's live performance establishments. Amongst them are approx. 300 musicians, 80-100 ballet dancers, 600 actors and singers and 200 administrative employees and technicians.

¹³ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

In 2008, artists were given a 60% pay rise to align with the wage increase in other sectors in the country¹⁴. As other employees (administrative and technical staff) didn't get a pay rise; the government had to promise to start to work on a new, more balanced collective agreement for the live performance sector.

Since 2007 the retirement age for dancers has gone up from 40 to 53 (for female dancers) and from 45 to 56 (for male dancers).

There are few independent sector productions and almost no freelance dancers or actors. Several chamber ensembles are active, as well as many individual musicians. However the exact number of freelance musicians is unknown.

There is a big difference in socio/economic status between those working in the live performance sector but outside the public sector and those working inside the public sector. Young artists have difficulties to enter the public live performance establishments and often leave the country due to lack of employment opportunities.

One of the key challenges for the performing arts sector in the FYR of Macedonia is the high dependency of live performance establishments on public funding and a weak, almost non-existent independent live performance scene. Another challenge is also that there is no coherent system of vocational training available for live performance workers, including professional reconversion schemes for older musicians and dancers.

3. The situation of employers

There is no association of employers or managers in FYR of Macedonia. Managers of the national live performance organisations are appointed by the minister. This leads to a frequent change in the management of live performance establishments.

4. The situation of workers and trade unions

Several trade unions regroup the workers in the live performance sector of this country:

- The *Trade Union of Employees in Education, Science and Culture (SONK)*, one of the largest branch unions in the Federation of Trade Unions of FYR of Macedonia. It has a strong membership of people working in the educational sector (some 35,000) and regroups many workers in the cultural sector (roughly 3000, including people working in libraries, museums, etc.).
- In Skopje the musicians and dancers working at the Philharmonic Orchestra and the Opera and ballet have created the *Trade Union of Scene Musical Artists of FYR of Macedonia*. It is recognised as a branch trade union by the Ministry of Labour. According to this trade union, the members of *Tanec* might be joining soon. It has independent branches inside the *Philharmonic Orchestra* and inside the *Opera and Ballet*.

¹⁴ The average monthly salary in the FYR of Macedonia was €233 in 2006. For actors it was even lower: €150. Following the rise in salaries in the sector in 2008, the salaries of the best actors in the National Theatre went up to €600 – €700 per month. The same applied for the orchestra where wages increased (e.g. for a principal the salary went up to €450 a month).

It seems that most actors and technicians in the country are not organised in any trade unions. Pop-musicians are organised in a separate professional organisation, which does not have trade union status.

5. The situation of social dialogue

There are no labour law provisions in the FYR of Macedonia which specifically concern the performing arts sector. The Labour Law and general legislation are applicable.

Sectorial social dialogue at national level:

A national collective agreement in the field of culture dealing with issues such as working time, employment conditions, recordings and payments was negotiated in 2005 between the trade union SONK and the Ministry of Culture. It applies to all cultural institutions in the country. According to this agreement all live performance establishments can sign establishment-specific collective agreements.

In general it can be said that no bi-lateral social dialogue exists at national level, partly due to the absence of any employers' organisation. Dialogue mainly involves trade unions and representatives of the Ministry of Culture.

Social dialogue at establishment level:

Since the 2005 general collective agreement in the field of culture, very few establishment-specific collective agreements have been put in place in live performance establishments. No such establishment-specific agreements have been signed so far at the *Philharmonic Orchestra*, the *Opera and Ballet*, although management has regular talks with the *Trade Union of Scene Musical Artists of FYR of Macedonia*.

A specific collective agreement has been negotiated at the *Dramski Theatre* by the establishment's representative of SONK and the management of the Theatre.

In the framework of the twinning-process, work is underway to create a form of tri-partite social dialogue.

6. Conclusions

In the FYR of Macedonia there is no employers' organisation in the live performance sector, due to the fact that managers of publicly owned and financed live performance establishments are not given sufficient autonomy.

As a result there is no independent bi-lateral social dialogue at national and establishment level. Social dialogue exists though at national and establishment level, but the public authorities are present in any collective bargaining process and represent the employers' side.

MALTA

1. Country profile¹⁵

Malta, which is the name of a group of Mediterranean islands, has been a member of the EU since 1st May 2004. It has a population of 405,165, of whom 6,315 live in the capital, Valetta.

A general election was held in March 2008 and the Nationalist Party was re-elected to office by a narrow margin.

A major industry of Malta is tourism.

GDP per capita:	€ 19,100 (76.3% of EU-27 average in 2008)
Unemployment rate (Dec. 2009):	7.2% (EU-27 average: 9.6%)
Government spending on culture:	€ 16,266,874 (2007)
Government spending on live performance:	€ 1,362,683
Government spending on festivals:	€ 917,773
Government spending on culture per capita:	€ 40

2. Profile of the live performance sector in Malta

There are several venues in Malta, including the *Manoël Theatre*, the *St. James Cavalier Centre*, the *Mediterranean Conference Centre*, and two opera houses on the island of Gozo. They are used for live performances by local and foreign orchestras, music ensembles and theatre and dance companies. None of these venues has a permanent theatre, dance or music ensemble.

There is one professional orchestra (The *Malta Philharmonic Orchestra*, some 58 musicians). Both the *Manoël Theatre* and the orchestra are limited companies (government shares).

To support a full-sized orchestra the decision was taken to give special employment conditions for new members of the orchestra. Approximately one quarter of the musicians are employed on the basis of 2-year contracts with different (lower) wages and labour conditions. Working time arrangements are the same for everybody.

Since 2004, Culture and Tourism have been brought together in the same Ministry. The above-mentioned venues operate at arm's-length from government but are answerable to the Ministry for Tourism and Culture and the *Malta Council for Culture and the Arts* (MCCA). The MCCA is responsible for creating the necessary synergies between all artistic entities and its role had been redefined as a "regulator" in the cultural sector.

¹⁵ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

The MCCA, the Ministry and cultural operators in Malta are currently involved in a process of wide consultation and reflection about the future of the creative and cultural industries. Several reforms are envisaged, including the status of the artists and an extension of copyrights. The lack of separate data on the cultural sector is another major challenge.

The draft National Cultural Policy 2010¹⁶ identifies the following cultural development needs in Malta: improved cultural governance structures, international cultural cooperation, strengthening the professional status of the artist, articulating the specific needs of the arts, heritage and audiovisuals, development of the cultural and creative industries, recognition of cultural rights, cultural socialisation and cultural inclusion and ensuring the long-term sustainability of the cultural sector.

The total number of persons working permanently and full-time in the live performance sector remains low. Some 80-100 persons work as administrators in the venues.

A high number of persons play regularly as musicians in hotels and restaurants either during their spare time or as professional freelance musicians. Their exact number unknown but estimated to be about 100 people. Many people in Malta also perform as actors in local theatre companies, or play in local village bands, but not on a full-time professional basis. The exact number of these actors and musicians is not known, as most of them work on a part-time basis in another job in another sector or do not consider themselves as professional actors or musicians. Many of them are also employed as teachers in Arts and Drama Schools and Music Schools. The small size of the island also partly explains why all these persons are unable to work on a permanent and full-time basis as musicians or actors.

3. The situation of employers

There is no employers' organisation or association.

Management of live performance organisations is free to negotiate with trade unions.

4. The situation of workers and trade unions

The majority of employed persons in Malta are affiliated to the *General Workers' Union (GWU)*, the biggest trade union in Malta. The *GWU* is affiliated to *Euro-Mei* and the *International Federation of Musicians (FIM)* and the *European Trade Union Confederation (ETUC)*.

There is no specific section in the *GWU* for persons employed in the live performance sector.

The majority of the persons employed on a full-time basis in the live performance sector are members of the *GWU*. This includes the 58 full-time employed musicians at the *National Orchestra* who have a *GWU* representative at the National Orchestra.

As for those working as musicians or actors on a part-time basis, they are not affiliated as musicians or actors to the *GWU*. Most of them are already affiliated to the *GWU* in their permanent employment position in another sector, including those working as teachers in Arts and Drama Schools and Music Schools. As they perform only on a part-time basis, they very often do not wish to organise additionally in trade unions as musicians/actors.

Many technicians working in Malta on a project basis do not consider themselves as being live performance professionals. The level of professionalization is very low as regards sound technicians.

¹⁶ See the draft report of Malta's Cultural Policy 2010, Malta Council for Culture and the Arts: <http://www.maltaculture.com/filebank/docs/Policy%20ENG%20low%20res%20final.pdf>

In general one of the main challenges faced by live performance workers in Malta is the lack of local opportunities for high quality professional training.

5. The situation of social dialogue

In general, there are no labour law provisions in Malta that specifically concern the performing arts sector. The Employment Act and general legislation are applicable.

Sectorial social dialogue at national level:

In general trade unions and employers' associations are fully independent of the government and can have independent social dialogue discussions.

There is no specific system of collective bargaining for the live performance sector in place. In other sectors, bi-lateral and independent sectorial social dialogue at national level is frequent. However, no such regular bi-lateral social dialogue exists in the live performance sector. The main reasons are that the live performance sector employs a relatively small number of full-time professional workers and that there is no employers' organisation regrouping employers exclusively from the live performance sector.

Social dialogue at establishment level:

A social dialogue exists at establishment level at the *Malta Philharmonic Orchestra*. The management of the Orchestra and the musicians' trade union (affiliated to the *GWU*) have concluded a collective agreement (for 3/4 of the musicians). All financial aspects as regards wages have to be validated by the Ministry of Finance.

6. Conclusions

Despite the small size of the country and the fact that it is an island, the live performance sector has a potential to grow, partly also due to the importance of the tourism industry. The need for organisation of employers (including those working only temporarily such as festival organisers, etc.) in the performing arts and a well-functioning social dialogue across the country may become increasingly important.

There is already today a tangible need to increase opportunities for professional training (initial, vocational, including reconversion schemes) for professional live performance artists and technicians.

PORTUGAL

1. Country profile¹⁷

Portugal has been a member of the EU since 1986. It has a population of 10,707,924, of whom roughly 600,000 (5.6%) live in the capital, Lisbon, and an estimated 1,900,000 (19%) in the greater Lisbon area.

GDP per capita:	€ 18,200 (75% of the EU-27 average in 2008)
Unemployment rate (Dec. 2009):	10.4% (EU-27 average: 9.6%)
National budget for culture:	€ 1,210,400,000 (State 24%, Municipal: 76%)
National spending on culture per capita:	€ 27.1

2. The live performance sector in Portugal

There is one *Opera House* in Lisbon, three *National State Theatres* (one in Lisbon, two in Porto), two municipal theatres in Lisbon, several State-owned theatres across Portugal (including three in Lisbon) and several commercial theatres in Lisbon (*Villaret open*, *Auditório dos Oceanos*, etc.).

The national performing arts establishments (Opera and Theatre) have recently been privatised. In Lisbon the *São Carlos National Theatre* has merged with the *National Ballet Company* employing some 450 people (musicians, dancers, actors, and administrative and technical staff) and has since been privatised. The *National Theatre D. Maria* and the *National Theatre São João* in Porto also have been privatised. Nevertheless, the sector remains highly politicised, resulting in a quick turnover of management, parallel to the changes in government (six Ministers of Culture in ten years). This leads to insecure and unstable organisations.

With the help of EU-funds a lot of new venues have been (re)built in municipalities around the country. As there is not enough money to provide for adequate technical staff for a reasonable number of performances, these facilities are not always being used for their initial purpose, if at all.

A government agency (*dgARTES*, *Direcção Geral das Artes* (Directorate General for the Arts)) provides public subsidies (total of €45m) on a project basis, meaning that smaller subsidized companies come and go. With the increasing number of grant applications the contestation of decisions also increases. This has led to a 'legalisation' of the funding process, which worries many. Organisations funded by *dgARTES* that work on a project basis mainly employ workers on a 'service-contract' (the so-called 'Recibo Verde' – green receipt), which allows for a certain flexibility.

According to the *dgARTES*, social dialogue and self-regulation are key factors for further developing into a more truly professional sector.

¹⁷ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

In Portugal there is an active contemporary dance community, which is in a very precarious situation as funding is on a temporary basis (2 to 4 years) and in general there is less money than in the other live performance sectors which makes it hard to work on a continuous basis.

The size of the Portuguese population hardly allows for a profitable commercial sector. This is the reason why there are only a few commercial companies and/or producers.

The Portuguese cultural policy in the live performance sector has also been influenced by the fact that (since 1966) the *Calouste Gulbenkian Foundation* has played a major role in production through its own orchestra and choir (and until three years ago, its own renowned ballet company) and also through its extensive and high-class programming.

Municipalities mainly take care of the funding of venues (like the Tivoli Theatre in Porto).

As regards the total number of workers in the performing arts in Portugal, a recent study on Culture and Creative Industries in Portugal states that performing arts give work to approx. 6000 people. Trade unions estimate the total number of performers at about 2500, but there is no statistical basis for those figures.

Employment in the performing arts in Portugal is now largely based on a system of 'self-employed' contracting. Even in some of the larger public cultural institutions (theatres) there is generally speaking only a core artistic team of 4-5 people who are on long-term contracts. All others are brought in on a contract of services ('Recibo Verde'). Essentially it is an invoice for services and is the basis of most employment in the sector.

There is a big difference in economic status between those working in the live performance sector outside the public establishments and those working inside the public sector.

Two years ago a special law for artists (and those technicians closely linked to the work of the artists) came into force allowing for 8-year employment contracts. Within this period of eight years, short-term contracts can be agreed. However, the sector was not consulted when the law was drafted. After numerous complaints the law is now under revision.

The financial crisis has a major impact. According to trade unions, wages have not increased for about five years.

There is no coherent system of vocational training available for live performance workers, including professional reconversion schemes for older musicians and dancers.

Compliance with European legislation

There seems to be little awareness of the relevant European legislation for the performing arts. Trade unions report problems of noise regulation in the music sector.

3. The situation of employers

Employers find it hard to reconcile the needs of the (artistic) organisation with the rights of the workers, as employees are secure in the same way civil servants are.

At establishment level management can make arrangements with artistic and technical staff relating to working time and other arrangements in relation to the work. At the São Carlos, management only makes arrangements with representations of segments of the staff (technicians, musicians, singers, etc.) as no viable union representation is available.

Until, very recently there was no association of managers/employers as frequent changes in the management make it hard to find the time and energy to form such an association and the managerial margin of manoeuvre in relation to the labour law is very limited. Only the employers' in the contemporary dance community have set up an organisation (*REDE*) in order to perform a number of collective tasks (mainly advice and advocacy).

In December 2009 the management of the *São Carlos Theatre* in Lisbon, the *São João in Porto* and *REDE* decided to start an employers' association.

There is no representation at EU (PEARLE*) level.

Key challenges

- More flexibility in the labour market
- Arm's-length principle" (more room for autonomy of live performance organisations)
- Continuity and stability in the running of performing arts organisations
- More esteem for the people who work in the sector
- The increasing power of the entertainment sector.

4. The situation of workers and trade unions

There are two big trade unions:

- *STE - Sindicato dos Trabalhadores de Espectáculos* (Trade Union of Performing Arts Workers), with about 300 active members, including actors, technicians, singers (pop and Fado) and variety artists. STE is affiliated to FIA.
- *SMP – Sindicato dos Musicos* (Musicians' Union), with about 1000 members on its books, 350 or so of whom are thought to be active. They include all kinds of musicians and also singers, including pop singers.

Both trade unions are affiliated to the socialist union confederation *CGTP*. The two unions have agreed to merge and hope to do so in the near future.

There are several other associations in Portugal, but they are not trade unions:

- *Plateia* is an association for theatre workers, both employers and employees, and deals with labour-related and artistic issues
- *CPAV* is a small association of about 200 people focusing chiefly on the working conditions of technicians

Trade unions report that for many live performance workers the heavy reliance on service contracts and self-employed status in the sector blurs the lines between employers and employees, with smaller independent companies often not considering themselves as employers as such. Trade unions consider the service contract as ill-adapted to the nature of the working relationship. It makes the working lives of cultural workers very precarious. As such the contracts offer no social security coverage, which workers are obliged to provide on their own. Naturally this represents a significant saving for the employers and switching to an employment contract would mean a big jump in costs. For workers, this way of working means contributing at a flat monthly rate to the self-employed social security scheme. This is obligatory, but does not give rise to any unemployment benefit between contracts, when they are without income. It is important for pensions and maternity leave, however. In practice, some workers do not pay into the scheme as they feel there is no return in between jobs. This has led to some cases of cultural workers incurring heavy debts to the social security scheme.

STE and *SMP* have united with a number of other organisations around this issue of self-employed workers. In a platform called "Plataforma dos Intermitentes", they have jointly campaigned with the Dance Structures network *REDE*, *Plateia* and *CPAV*. This cooperation has been useful, although work to improve the situation is ongoing. Talks are going on to pursue a long-term development of the platform.

Key challenges for trade unions include the following main issues:

- The issue of 'self-employed' service contracts is critical as it creates a difficult tax and social security situation for artists
- The need to reinvent themselves as trade unions and carry out a new and relevant role. Their membership has fallen steadily and they cannot claim any real representativity
- The absence of a 'partner' and of social dialogue for negotiating pay and working conditions in the sector
- An overly centralised cultural sector (huge focus on Lisbon and Porto to the detriment of the rest of the country)
- Problems of noise regulation in the music sector
- Little regulations of agents and promoters in the music sector
- Very strong dependency on public funding or private support.

5. The situation of social dialogue

The situation of social dialogue at national level:

Given that there are no employers' organisations, social dialogue in the strict sense does not exist. As a result there is no national collective agreement in the performing arts in Portugal.

The situation of social dialogue at establishment level:

The only example of social dialogue is the limited bargaining possible within the framework of a single performing arts structure, in the form of establishment agreements.

The scope of these agreements only covers working conditions, time, health and safety and salary levels, but only within the framework of strict instructions from government.

Negotiations are currently underway for the first such agreement in the National Theatre in Lisbon, following pressure from workers to formalise the so-far 'informal dialogue' with the employers.

No information is available about any social dialogue ongoing in restaurants, hotels and clubs, which employ many freelance musicians.

6. Conclusions

There is no employers' organisation and no official social dialogue in the live performance sector at national level in Portugal. The social dialogue in publicly owned establishments is not free of government interference.

The recent initiative to found an employers' association may mark the beginning of a true social dialogue in the live performance sector in Portugal.

SLOVENIA

1. Country profile¹⁸

Slovenia has been a member of the EU since 2004. It has a population of 2,052,650, of whom 310,000 (15%) live in the capital, Ljubljana.

GDP per capita:	€ 20,517 (90% of the EU-27 average in 2008)
Unemployment rate (Dec. 2009):	6.8% (EU-27: 9.6%)
National budget for culture:	€ 272,000,000 (State 61%, Municipal: 39%)
National spending on culture per capita:	€ 135 (State)
National spending on Performing Arts	€ 47,230,440
National spending on Performing Arts per capita:	€ 23

A The new government plans to work on the "transformation of the public sector" aiming at the introduction of better conditions for production of art and cultural activities through more efficiency and effectiveness in public institutions.

2. Profile of the live performance sector in Slovenia

There are eleven theatre (including puppet) establishments, one Philharmonic Orchestra, and two opera institutions in Slovenia. Some 4000 employees work in the public sector. Another 2,500 self employed people are registered as working in the performing arts.

Wages are taking up an ever-increasing part of the budget as every year an increase of 0.33% is automatically applied.

Performing arts organisations are asked to make 4-year plans, with the result that there seems to be a fair amount of stability in policy development.

There is a big difference in the social-economic position of those working in the live performance sector outside the public sector and those working inside the public sector.

Several changes have been operated in labour law in recent years which has an impact on the performing arts.

- Under labour law collective bargaining is now voluntary
- Self-employed persons can be members of trade unions
- There have been several amendments to working time and the minimum wage has increased to €597
- The law foresees the possibility of 12 months of parental leave, three months of which have to be taken by the mother
- An employee can work 8 hours per week on another employment contract if the main employer agrees. For example, people working in the public sector (with full-time

¹⁸ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

employment) are allowed to work 8 hours a week somewhere else on top of their normal working hours

- In view of the possible reform of the law on “public interest in culture”, which also regulates labour issues in the cultural sector, efforts are being made to bring freelance workers under social protection and labour regulation.

There is no coherent system of vocational training available for performing artists and life performance workers, including professional reconversion for older musicians and dancers.

3. The situation of employers

The bigger performing arts establishments are all legal entities under public law; employees often still have the status of civil servants.

There is no official organisation regrouping directors/managers of live performance establishments. The Ministry of Culture officially represents all employers in the live performance sector.

There is no Slovenian employers' representation at European (PEARLE*) level.

Key challenges

- A greater autonomy for employers/management.

4. The situation of workers and trade unions

There are two main trade unions which have affiliates in the performing arts sector:

- *GLOSA* is the *Trade Union of Culture of Slovenia*. Its members are employed in public cultural institutions like libraries, museums, galleries and live performance establishments. It has 2,800 members in the whole cultural sector. Self-employed artists can become members. Approx. 80% of all persons employed in the public live performance establishments are members of *GLOSA*. *GLOSA* is affiliated to *ZSSS*, the *Association of Free Trade Unions of Slovenia*, which is a member of *ETUC*. *GLOSA* is a member of *FIA*, *FIM* and *UNI MEI*.
- *SVIZ/ESTUS* is the *Education, Science and Culture Trade Union of Slovenia*. It has approx. 35,000 members, mainly in the field of education and science. Since 2003 it also has members in the cultural sector, but mainly in libraries and museums. *SVIZ* has approx. 100 members who are employed in the public live performance sector. *SVIZ* is a member of *UNI MEI*.

Key challenges for trade unions include the following:

- The increasingly difficult situation for freelancers
- In publicly owned live performance establishments directors are not officially fully-fledged 'social partners', but are consulted by the government regularly during the collective bargaining process; they have some influence but no responsibility. Very often managers try to avoid bilateral social dialogue
- The application of the collective agreements is a problem as directors often refuse to implement provisions of collective agreements, claiming lack of budget
- Working time and compensation for overtime is a huge concern to workers: a collective agreement with the Ministry gives directors discretion to refuse to engage in dialogue. As a result there are no standards which in practice result in non-payment of overtime

- There is no legal right for directors, creators, performers and artistic technicians to claim an indefinite employment contract
- There is a lack of training for technical professions; although funding or training programmes exist, most technicians go abroad
- The salaries for performing arts workers are 20% below the average salary in the public sector
- Budget cuts for the cultural sector are threatening the sustainability of employment.

5. The situation of social dialogue

Social dialogue at national level:

There is no official bi-lateral social dialogue at national level in the live performance sector.

Trade unions are fully independent of the government. However, management of publicly owned performing arts organisations cannot play the role of an employer as the Ministry of Culture negotiates directly with unions. As a rule the Ministry consults management before it begins the bargaining process. Managers are not in any way in a position to determine the outcome of the bargaining process.

At national level there is one all-encompassing collective agreement for the public sector. In addition, a specific collective agreement in the cultural sector was concluded at national level between trade unions and the government. This agreement concerns general working conditions in the cultural sector, including the public live performance sector.

Social dialogue at national level involves three different parties: the *GLOSA* and *SVIZ* trade unions on the one side and the government on the other; they have six members each on the 'bi-partite' commission for culture.

In recent years a tripartite commission has been set up for interpreting the collective agreement for the cultural sector. The role of the Commission is to deal with those issues which are interpreted differently by the parties, in particular working time.

Social dialogue at establishment level:

Establishment collective agreements are regularly concluded at the level of individual public live performance establishments. Members of *GLOSA* (and also in three establishments of *ZVIS*) who are employed in the establishments and act as employees' representatives negotiate the collective agreement directly with the management of the establishment.

However, management's role at establishment level is also limited and it can only make arrangements related to the organisation of the work. These mainly concern working time within the limits of the law (40 hours a week with a maximum amount of overtime of 8 hours/week, 20 hours/month, 170-230 hours/year with the consent of the employee).

At the *National Opera and Ballet* (269 employees), work is ongoing to a more flexible organisation.

The collective agreements that have been negotiated are only binding in those establishments where managers have negotiated and signed them. They apply to all employees of the establishment where such an agreement has been signed regardless of their affiliation to a trade union.

6. Conclusions

There is no independent social dialogue at national level in Slovenia, which is mainly due to the fact that managers of public live performance establishments are not granted sufficient autonomy in collective bargaining and therefore have not set up employers' organisations.

The new government is in favour of promoting social dialogue, be it bi-partite or tri-partite.

SPAIN

1. Country profile¹⁹

Spain has been a member of the EU since 1986. It has a population of 46,661,950 (2009), of whom 3,213,271 live in the capital, Madrid, and 5,263,000 in the Madrid metropolitan area.

GDP per capita:	€ 25,700 (102.6% of the EU-27 average, 2008)
Unemployment rate (Dec. 2009):	19.8% (EU/27: 9.6%)
National spending on culture:	€ 5,932,084,000 (0.6% of GDP)
Of which	
Central government:	€ 891,918,000
Regional governments:	€ 1,807,454,000
Local governments:	€ 3,244,712,000
National spending on culture per capita:	€ 135.60
Central government:	€ 20.10
Regional governments:	€ 41.30
Local governments:	€ 74.20
Spending on performing arts by central government:	€ 129,469,000
regional governments:	€ 373,229,000

2. Profile of the live performance sector in Spain

According to the 1978 Constitution, three administrative levels (central government, autonomous communities or regions and municipal councils) have general responsibilities for culture. The seventeen autonomous communities (or regions) have developed a radical decentralisation of cultural policy since the end of the seventies.

Alongside the autonomous regions which pursue active policies to fund local and regional music and theatre establishments and performances, at central level the *National Institute of Music and Performing Arts* (INAEM) (a self-governing public body) is responsible for funding the performing arts and the activities of the national performing arts establishments in Spain. In addition, since 2007 the *State Council of the Performing Arts and Music* seeks to channel the participation of music, dance, theatre and circus sectors, and their coordination with the Central Administration of the State.

National spending on culture increased by 73% in the period 2000-2006. On top of all government spending, more than €400m were spent by savings banks, (mainly for buildings and projects). In the same period the government started to put management of publicly owned companies at a greater distance, the idea being that in this way cultural institutions could better link with other sectors in society and could profit from managerial experiences in the business world.

¹⁹ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

In Spain there are 29 Symphony Orchestras (including two Youth Orchestras). Most orchestras receive subsidies from regional and local authorities.

Furthermore there are two private orchestras that are heavily subsidised.

The national government is responsible for the *National Orchestra*, the *National Opera*, the *National Theatre* (three stages), the *National Ballet*, the *National Dance Company* and the *National Auditorium*.

In competition with the government funded sector there is a growing commercial sector. Large, international producers like Stage Holding Ltd. and expanding local producers are taking up growing shares of audiences.

Employment in the cultural sector accounts for some 5% of total employment in Spain.

One of the major public live performance employers is the *National Theatre* in Madrid with around 500 people, 250 of whom are actors, directors, playwrights, etc.

In total in Spain there are estimated to be between 8,000 and 12,000 actors and approximately the same number of dancers (all genres). Actors in Spain work on a freelance basis under short-term employment contracts.

There is an estimated total of 2000 theatre technicians in Spain.

The exact number of musicians in Spain is unknown, but is estimated to be between 20,000 and 30,000. Musicians in the 29 orchestras are civil servants, employed by either the regions or the local authorities. In order to become a civil servant, exams have to be passed. Those working in the public service without this obligation are the so-called 'public employees'. The musicians in private orchestras work freelance on project contracts. Many musicians are not registered and work just part-time as musicians or have another full-time job alongside their music activities.

There is big difference in socio-economic position between civil servants (musicians in the orchestras) and other performing artists. Special national legislation guarantees freelance workers a decent minimum income and easier conditions for to qualify for unemployment benefits.

Commercial producers and the subsidised sector have a very different perception of the current situation. According to commercial producers things are getting better and better.

Trade unions deplore the increasing difficulties for freelance performing arts workers as regards the negative impact of the crisis on employment opportunities and working conditions.

The main challenges identified by the Ministry of Culture include the following:

- Establishing a special artist status, with minimum rules and guaranteed rights
- Setting up minimum guarantees to fight undeclared work
- Promoting gender equality in the sector, especially as regards payments
- Find solutions to the economic crisis and its negative impact on public funding in culture.

3. Organisation of employers

In the theatre, dance and music sectors there are two national associations:

- *FAETEDA* is the National Federation of Associations of Theatre and Dance Producing companies (commercial). *FAETEDA* represents its members in tri-partite collective bargaining (e.g. in Madrid and Barcelona).
- *AEOS* is the Association of Spanish Symphony Orchestras. *AEOS* has no negotiating powers, its primary aims being the advocacy for the symphonic music sector.

The *Red Espanola de teatros, circuitos, auditorios y festivales de titularidad publica* is the Spanish Association of Venues. Its purpose is not to be an employers' association or a partner in the bargaining process, but to act as an advocate for the interests of its members and to provide services (research, statistics, advice etc.).

Key challenges:

- Audiences
- Cooperation between interested parties
- The consequences of the credit crunch.

4. Organisation of workers

There are several types of employment status amongst live performance workers in Spain: A few are civil servants (e.g. in national orchestras). Today, almost no theatre companies offer a permanent contract anymore, except for some limited fixed staff, including technicians. The majority of performing artists in Spain work under short-term employment contracts. Under Spanish law, actors are considered to be 'workers'. Several workers from certain professions also work as self-employed, such as stage directors or light-designers. It depends on the profession.

Trade unions reported that there is an increasing trend to 'push' live performance artists into 'self-employment', especially musicians. As self-employed workers are not entitled to any unemployment benefit, this often puts many live performance workers in a precarious situation. To be able to work they accept the work that is offered to them often under any condition, without being officially registered as self-employed and without thinking in the long-term what consequences this may have on their own social protection. Some musicians do register, however, especially those that can be paid intellectual property rights from their recordings.

Main challenges for trade unions in Spain include the lack of accessible vocational training (especially for freelance musicians), reversing the trend of declining working conditions and low wages, ensuring a comprehensive social security system for all workers (esp. pensions and health care which seem to fall short in the current system) and the conclusion of more collective agreements covering all professions.

Trade union affiliation amongst performing artists is believed to be quite high: around 70% for actors. In Catalonia approx. 90% of musicians are affiliated to the regional musicians' trade union. One major difficulty across Spain is to organise jazz and modern music musicians. Dancers seem to be organised only to a limited extent.

As regards actors there are several trade union organisations in Spain, which are either active at national level or at regional level or across several regions:

- At regional level, trade unions for actors exist in Andalusia (*Unión de Actores e Intérpretes de Andalucía*), Principality of Asturias (*Unión de Actores de Asturias*), Castile and León (*Unión de Actores de Castilla y León*), Malaga (*Unión de Actores de Málaga*), Catalonia (*Associació de Professionals de la Dansa de Catalunya*) and Madrid, where the *Unión de Actores de la Comunidad de Madrid* is one of the biggest actors' unions in Spain with approx. 3000 members
- All these regional actors' unions are regrouped with *FAEE, Federación de la Unión de Actores del Estado Español* (Trade Union Federation of Spanish Actors), which was created in 1987. It has around 6500 members across the whole country
- Another actors' trade union is active across several regions but is not a member of FAEE: *OSAE, Organización de Sindicatos de Actores y Actrices del Estado Español* (Spanish Actors' and Actresses' Trade Union) regroups about 2,500 actors in the regions of Aragón, Baleares, Valencia and Catalonia. One of its main members is the trade union *AADPC*, which is an independent trade union that brings together actors, directors and stage managers working in Catalonia.

Both *FAEE* and *OSAE* are members of the International Federation of Actors (FIA).

Theatre technicians are mostly affiliated to two big trade unions in Spain:

- *UGT, Union General Trabajadores* (General Workers' Union) and
- *CCOO, Confederación Sindical de Comisiones Obreras* (Trade Union of Workers' Commission).

As regards musicians there are several trade unions:

- At national level, *AMPE, Asociación Musicos Profesionales de España* (Professional Musicians' Association of Spain) has approximately 500 members in and around Madrid, but also includes several regional musicians' trade unions. *AMPE* is a member of the *International Federation of Musicians (IFM)*
- *AMPOS, Asociación de Músicos Profesionales de Orquestas Sinfónicas* (Association of Symphony Orchestra Music Professionals). It does not seem to have official trade union status.
- The *Federació Unió de Músics de Catalunya* (United Federation of Musicians' of Catalonia) represents about 3500 musicians (all genres) in Catalonia. Members of the federation include several regional trade unions (5-6) in Catalonia covering all music genres (e.g. *MUSICAT* (Association of Professional Musicians of Catalonia) and *AMJM* (Association of Jazz Musicians and Modern Music of Catalonia)).

5. Situation of the social dialogue

Social dialogue at national level:

In Spain, bi-lateral social dialogue at national level is still very limited. Reasons for this include the great number of autonomous regions and the huge differences in income levels across regions and in bigger cities.

No collective agreement has been signed for the whole live performance sector so far²⁰. For artists performing in live performance nightclubs, discotheques and "tablaos flamencos" there is a national agreement signed by *CCOO, UGT* and *FASYDE* (National Federation of

²⁰ Only one collective agreement has been signed between the Actors' Unions *FAEE* and *OSAE* and the federation of associations of audiovisual producers (*FAPAE*).

Live Performance Night Clubs and Discotheque Owners). This agreement is now being revised in collaboration with *FAEE*.

UGT and *ASFYDIS* (Regional Association of Live Performance Night Clubs and Discotheque Owners in Madrid) signed a regional agreement for dance, circus, varieties and folk without the backing of artists' trade unions. The former version of this agreement concerned actors too, but they were left out of its scope after several negotiations. There are plans to extend this into a collective agreement at national level in 2010.

There is also a tri-partite national convention (on the basis of a minimum contract) which has been concluded for the performing arts (including the commercial sector), bull fighters and the film industry. In fact, in most cases government and entrepreneurs/employers join forces. Under the covenant, actors can be contracted for a season, for a minimum of 3 months, for a period of 21 days and for a single performance.

Discussions between stakeholders on performing arts at national level also take place with the *National Institute of Music and Performing Arts* (INAEM), but this is not considered as social dialogue.

Social dialogue at regional and local level:

At regional and local level there exists a tri-partite dialogue between employers, trade unions and the regional authority/local authority.

In general it takes a long time to come to an agreement between all parties concerned. In the meantime, however, employment contracts remain in force.

Actors' unions have signed collective agreements with employers at regional level in Madrid and Catalonia.

Social dialogue at establishment level:

In venues, collective agreements are concluded at establishment level. This leads to considerable differences in conditions for workers across different regions and cities.

For musicians, collective agreements are signed solely at establishment level.

Usually collective agreements are limited in time and need to be expressly renewed each year. In practice, however, they are renewed automatically.

6. Conclusions

The different government layers in Spain do not necessarily make it easy to understand how workers/employers are organised and conduct social dialogue. There is a certain fragmentation in the way workers/employers are organised across regions and at national level. Social dialogue obviously is impacted by this. Little bi-lateral social dialogue happens at national level. The regional level does not always cover all professions, although actors in some regions are well represented and covered by collective agreements. Social dialogue at establishment level seems to be particularly strong for musicians.

Overall this gives the impression of a lack of coherence and coordination, although in certain regions, especially Madrid and in Catalonia, organisation of workers/employers is more advanced and so therefore is social dialogue.

TURKEY

1. Country profile²¹

Turkey is a candidate country of the EU. It has a population of 76,805,524 (2009), of whom 4,650,802 (6%) live in the capital, Ankara, the second largest city of the country. The largest city is Istanbul with a population of 12,915,158 (17%), and it is estimated that another 6,000,000 unregistered people live in and around the city.

GDP per capita:	€ 8,875 per capita (45% of EU-27 average in 2008).
Unemployment rate (Turkish Statistics Institute 2008):	15.5% (EU/27: 9.6%)
National budget for culture:	no data available
National spending on culture per capita:	no data available

Ankara is the centre of the State organisations that are responsible for the provision of performing arts in the cities and regions in the country. A reason for this centralised approach is the highly politicised situation at local level.

As Istanbul is a very big city, it has a lively performing arts scene of its own.

2. Profile of the live performance sector in Turkey

Eighty percent of the live performance organisations are owned by the state, fifteen percent are commercial and five percent are private entities that receive subsidies.

The *Turkish State Theatres* is the directorate of the national theatres in Turkey. The *State Theatres* owns 37 stages in 13 regions. Every day 50 performances are staged, and around 800 actors, 1000 technicians and 600 administrative staff are employed. In addition, a number of people are contracted on the basis of short-term contracts. The *State Theatres* is also responsible for the dissemination of funds to projects (even commercial ones), mainly of young artists. This support is seen as a way to prepare young artists for a more permanent position within the organisation. That is one of the reasons why technical and artistic support is provided for too. In order to raise money to fund these young artists a levy is imposed on the box-office income.

The *Turkish State Opera and Ballet* owns five stages in five cities throughout the country. The organisation employs around 1500 singers, musicians, dancers, and administrative and technical staff.

The *Turkish State Orchestras* is the directorate of the six national orchestras in the country. It employs about 600 musicians and 100 members of staff.

In Turkey there are also four Academic Orchestras, two private orchestras and two municipal orchestras (Istanbul and Izmir). On top of these there are nine specialised Turkish music ensembles and 17 organisations for the promotion of Turkish choirs and musical ensembles.

²¹ The data included in this paragraph has been taken from different sources: Eurostat, the International Monetary Fund, the Compendium for Cultural Policies and Trends in Europe.

Budget talks take place every year with the Ministry of Finance. There is very little incentive to earn money in the marketplace as the funding takes care of 95% of the total expenditure of the State organisations.

Arts organisations in Istanbul are either part of the municipality's City Orchestra or of the municipality's City Theatres Directorates. Employees in these establishments are civil servants, and their working conditions are similar to those working within State organisations.

In Istanbul there are over 120 theatres and music/concert halls and numerous initiatives in all disciplines of the performing arts. The City owns a theatre organisation (over 200 employees) that produces children's and youth theatre, organises workshops, training and a laboratory. The city also owns 6 musical ensembles.

The commercial sector has been growing and expanding. There are an increasing number of commercial theatres and symphony orchestras (there are four such orchestras in Istanbul). No data could be collected as to the size of this development. Many private initiatives get support from the public sector on an application basis. This is money that is levied on box-office income across the cultural sector, including cinema. There is a perception that this is not sufficiently regulated and that the allocation is not always transparent.

There are also a large number of musicians, singers and dancers performing in hotels and restaurants (tourism sector). It is very difficult to receive any reliable information as to the exact number of these musicians, as many of them do not always play as professional musicians. The estimated total number of musicians is 10,000.

There is a significant gap between working conditions in the publicly funded sector and in commercial production. Many of those taking up short-term contracts in the commercial sector are in fact public sector workers. Also, there is no coherent system of vocational training available for performing artists and life performance workers, including professional reconversion for older musicians and dancers. Thanks to its size, *Turkish State Theatres* are in a position to provide for older employees when they are no longer fit to perform, by giving them a different position in the organisation.

Compliance with European legislation.

According to the management of the *State Theatres*, health and safety regulations are respected in the workshops.

Working time regulations are not implemented. On stage and on tour, technicians in particular work very long hours.

Many live performance professionals consider health and safety regulations (e.g. noise directive) unnecessary and in conflict with the spirit of the artistic profession.

3. The situation of employers

There is no organisation regrouping the managers in the public live performance sector in Turkey. The directors/managers are directly appointed by the public authorities.

The State is the employer of everybody working within the public live performance sector. This means that all employees have civil service status. At establishment level, management can make arrangements with artistic and technical staff relating to working time and other arrangements in relation to the work itself. Talks are underway to improve staff representation in order to help improve contacts with management.

Salaries are not a subject that management and workers can discuss as they are defined by the government.

In the private sector, hotel and restaurant owners do not seem to be organised in any structure.

There is no representation of Turkish performing arts employers at EU (PEARLE*) level.

Key challenges

- Audiences (going up according to management, going down according to others)
- Consequences of the credit crunch.

4. The situation of workers and trade unions

The trade unions active in the field in Turkey are:

- *Müzik-Sen* (Musicians' Union) has about 2,400 members across classical and orchestra musicians, as well as Turkish folk musicians and some oriental dancers, illusionists and technicians. It is not affiliated to any confederation and has no right to engage in collective bargaining. However, it does bargain with individual venues to set up agreements to cover work there. In practice, the bulk of the work done by its members is in small individual venues: restaurants, hotels, etc. The union also has an advocacy role in relation to government and has tried to push for a separate social security regime for artists, as they currently enjoy very few rights and work in very bad conditions. The strong trend towards informal working means that in practice they have no social security. The union has also been in discussions with the government about a possible pension scheme for musicians
- *Kültür-Sanat-Sen* (Union of Public-sector Cultural Workers) is an important channel of communication with the Ministry and regularly dialogues with it regarding working conditions and other issues for all workers in the public institutions. It has existed since 1992. It represents all workers in the sector, except for theatre directors and administrators, with whom they have a dialogue and an agreement.

In addition to these, there are several associations of performers, though in general they are struggling to survive and to offer real value to members (*To-Der*).

There is also a foundation called *TOBAV*, which is made up of artists and cultural workers working in the public-sector. It offers support to its members, who number about 2000 and generally works to be active voice in advocacy for cultural sector workers. It was active in setting up the actors' union *TOMEB*, though the latter has struggled to be effective and has been unable to achieve financial stability.

Trade unions in the sector face some key structural challenges:

- The legal framework for trade unions in Turkey stipulates that unions can only negotiate where they represent 10% of a given sector. The sectors tend to be large and this kind of figure is absolutely unrealistic for the small trade union/professional association structures interviewed. It is further complicated by the fact that the cultural sector is organised together with the tourism sector, making it very large indeed
- There is no very strong dialogue partner for the workers, as there is no employers' association. The Ministry is in practice the main employer for publicly subsidized live performance
- The unions highlighted that the working conditions and social security situation of performers and cultural workers is one of the major challenges to the sector. In

practice, cultural production outside the publicly funded sector is quite unregulated, with short-term contracts and bad working conditions often the norm. An unhealthy competition keeps the fees low and drives performers to accept what they are offered. In the publicly funded sector, there is a salary scale and a good deal of security. However, even performers within this system face some significant challenges in their working conditions

- The musicians' union in particular is advocating for a separate social security framework, based on the "status of the artist". In practice, recent social security reforms of the system for public sector workers have actually worsened the situation.
- The payment system for performers in the music sector was also highlighted as very problematic, as it is paid as a very low basic wage and a twice-yearly bonus which is performance related. These bonuses are vital in order to bring the wage up to a decent level, but in practice are lost if a performer is injured, sick or still under contract but no longer of an age to perform (this would be the case for ballet dancers and opera singers beyond a certain age for example). Thus the system creates a problematic incentive for performers to continue working even where they may not be well enough to do so. Performers who are absent on maternity leave lose the bonuses too, drastically reducing their income while they are unable to perform
- Health and safety in the workplace was highlighted as another particular issue – particularly in relation to technicians who are sometimes subjected to very dangerous working conditions, even in the publicly subsidized theatres. These conditions are rendered even more dangerous by the extremely long hours that technicians are expected to work, with examples of 16-hour days and midnight shifts being cited
- The financial crisis has certainly had an impact on box office numbers, with a clear decline being noted. The State budget for culture has not been cut as such, but it has been declining slowly over a number of years in any case. The musicians' union in particular had experienced a fall in member contributions that is making it hard for the union to function.

5. The social dialogue situation

Social dialogue at national level:

The 10% representativity obligation for trade unions makes collective bargaining practically speaking impossible. There are some discussions at political level about reforming this and the possibility of reducing it to 1% has been mooted. This would change the playing field significantly but may not materialize.

Equally, there is no employers' association to act as a partner in a bargaining process. Some working conditions are agreed upon at establishment level, although the standard of these conditions leaves much to be desired. The Ministry is in practice the main employer for publicly subsidized live performance. It has a strong leading role in relation to planning, programming, etc, but this does not always take account of the real conditions on the ground. There is dialogue between trade unions and the Ministry, but not bargaining as such. What is more, salary levels and structure remain outside the scope of such discussions.

As a result, in the public live performance sector there is no official system of independent bi-lateral social dialogue between trade unions and directors/managers.

Social dialogue at establishment level:

At the *Turkish State Theatres* the thinking is that the relation with trade unions should rather be defined in terms of cooperation and shared interests than in terms of conflict and opposing interests, as the cooperation of all needed in the production process prohibits a distinctive role as 'employer'.

Kültür-Sanat-Sen has negotiated with the Ministry and the heads of the Opera and Ballet and Theatre sections a collective agreement that covers working conditions, health and safety, etc for all workers in the public institutions. It does not cover salary, as this is a fixed scale and not open for discussion. The union meets twice a year with the theatre directors, managers, financial managers, etc for negotiation on these issues, but in practice these do not tend to be very effective.

The musicians' union *Muziksen* bargains with individual venues (restaurants, hotels) to set up agreements to cover work there.

6. Conclusions

In Turkey there is no independent bi-lateral social dialogue between autonomous social partners, be it at national or establishment level.

There is no employers' association and trade unions are restricted in their capacity to take part in collective bargaining.

There is a considerable distance from EU-regulations.

Annex 1. Joint declaration of the EAEA (European Arts and Entertainment Alliance) and Pearle* (Performing Arts Employers' Associations League Europe)



Joint Declaration

Dubrovnik, 27 February 2010

The performing arts are central to the identity of the European Union and to the cultural and economic health of its Member States;

The social partners within the sector have a shared interest in cultural benefits throughout the European Union and full realisation of the aims of the UNESCO convention on the protection and promotion of cultural expressions;

They are equally committed to ensuring the continuing vitality and quality of the performing arts;

The European social partners in performing arts believe that,

- 1) All member states should recognise the necessity of employers' associations and trade unions, and the mutual recognition between employers and workers;
- 2) To strengthen social dialogue we need strong employers' associations and strong unions who are able to negotiate collective agreements. Collective agreements should involve all parties to social dialogue with the aim of covering all workers rights regardless of their employment status;
- 3) In the present economic context, the financing of the performing arts must be guaranteed to provide for a genuine and sustainable environment for the sector and boost further growth and employment. Thus the sector must be included in the economic recovery plans;
- 4) Social dialogue should be developed and strengthened in the public and the commercial sectors in those countries where it is absent;
- 5) The improvement of health and safety in the live performance sector is key including implementation of the 2003/10/EC Directive as concerns the protection of workers in the music and leisure industries.

To promote and improve social dialogue in Southern Europe, PEARLE and EAEA recommend

a) The European Union

Support employers' association and trade unions in the performing arts in countries of Southern Europe to increase their capacity to better reach out to their potential affiliates;

Encourage governments to create favourable conditions for an autonomous bi-lateral social dialogue in the countries of Southern Europe;

Stimulate the international exchange between countries of Europe as regards best practices of the organisation of labour and management and of social dialogue;

Support the professional career development of performing arts workers through life-long vocational training and reconversion schemes for older musicians and dancers.

Encourage member states to comply with article 14 of the EC Directive 2003/10.

b) Governments of the countries in Southern Europe

Give the management the freedom and independence to jointly initiate social dialogue and to be a real partner in bi-partite and tri-partite social dialogue;

Encourage and allow management and labour to organise, in particular as regards employers' in the public live performance sector and freelance/self-employed workers;

Create favourable conditions for an autonomous social dialogue in the countries of Southern Europe;

Encourage the development of social dialogue in the public and commercial sector including the tourism industry;

Adopt an integrated approach between the Ministries of Labour/ Social Affairs and the Ministry of Culture to create a coherent social dialogue in the live performance sector;

Consult management and labour when transposing and implementing EU legislation which has an impact on the sector;

Develop further the regulatory framework which enables the sector to develop its full potential as part of the culture and creative industries and to contribute to local economic and social development and involve closely employers and trade unions.

Engage social partners in the drafting of a national code of conduct to meet the requirements of EC Directive 2003/10.

c) Employers and employers associations in Southern Europe

Create employers' organisation to defend collectively the interests of management;

Create partnerships with management from neighbouring sectors (cultural and creative industries, tourism as relevant etc.);

All employers including those who are publicly appointed should be free to set-up and participate in employers associations.

Establish a regular dialogue with colleagues from different European countries to exchange best practices and discuss themes of common interest;

Seek support from employer colleagues in other countries and their organisations;

Assist governments in setting up an independent social dialogue (bi-partite and tri-partite);

Identify solutions to set up a coherent and accessible system for professional career development, including life-long vocational training schemes and professional reconversion schemes.

Encourage their government to start consultation without further delay with a view to establishing a code of conduct as required by EC Directive 2003/10.

d) Workers and trade unions in Southern Europe

Develop strategies on how to reinvent as trade unions, carrying out a new and relevant role and especially how to better reach out to potential affiliates, especially younger performing arts workers;

Develop coordination and cooperation with other trade unions inside the sector, at home and abroad to define strategies on how to defend better the interest of all workers in the sector (incl. freelance/self-employed);

Develop strategies with national employers and employers' organisations to develop an independent bi-lateral social dialogue at national/regional and establishment levels;

Identify solutions to set up a coherent and accessible system for professional career development, including schemes for life-long vocational training and professional reconversion.

Encourage their government to start consultation without further delay with a view to establishing a code of conduct as required by EC Directive 2003/10.

Annex 2. Letter and questionnaire from Pearle* and EAEA to performing arts organisations, trade unions and public authorities in twelve selected countries of Southern Europe

Brussels, 11th November 2009

Dear Colleagues,

The European Arts and Entertainment Alliance, EAEA and PEARLE* are carrying out a joint project on social dialogue in twelve countries in Southern Europe (EU Member States, accession and candidate countries), financially supported by the European Commission, Directorate-General Employment and Social Affairs. This survey concerns the following countries: Bulgaria, Croatia, Cyprus, France, Greece, Italy, Macedonia, Malta, Portugal, Slovenia, Spain and Turkey.

PEARLE* is the Performing Arts Employers Associations League Europe. The European Arts and Entertainment Alliance consists of three trade union federations: FIA, the International Federation of Actors, FIM, the International Federation of Musicians and EURO-MEI representing creators and technicians unions in the media entertainment and the arts.

In 1998 PEARLE and the EAEA formed the EU Social Dialogue Committee for the Live Performance Sector, which met since then regularly to discuss matters of common interest in the field of EU social policy and other policies affecting the performing arts sector. During the enlargement process leading to the accession of ten Eastern European countries in 2004, the committee carried out several projects in order to facilitate the integration of employers' and workers' organisations from the EU accession and candidate countries into the work of the EU social dialogue committee on live performance. As part of one of those projects a study on social dialogue in the sector in new EU Member States was completed in 2004.

This new project aims at reassessing the impact of the EU enlargement on the European social dialogue in the live performance sector. It also aims at sharing experience on national cultural and social policies and of the functioning of social dialogue structures at national and EU level. The project is supported by the European Commission DG.

We would be very grateful if your organisation would participate in this project.

As a first step PEARLE* and the EAEA, will carry out a survey on the basis of the attached questionnaire on the social dialogue structures in Southern Europe. This survey will partly update the findings of the study carried out in 2004 and be extended to countries in Southern Europe. As a second step, PEARLE* and the EAEA will organise a conference in Dubrovnik, Croatia from 25-27 February 2010 to bring together representatives from employers' and workers' organisations from EU and accession as well as candidate countries to discuss the prospects of social dialogue in the live performance sector after the enlargement of the EU. A report on the survey will be presented at that conference.

The following questionnaire is a tool to map for the social partner organisations and the social dialogue structures in the different countries of Southern Europe. It will also help establish a list of organisations to be invited to the EU conference on Social Dialogue in the Live Performing Arts, which will be held in Dubrovnik and will discuss the findings of this report.

The questionnaire will serve as guide for interviews with social partners as well as government to be carried out in your country and we would like to contact you in the coming

days by email and telephone to discuss the possibility of setting-up face to face interviews with representatives of your organisation.

If you wish so you can already now fill in information on all the items you know about the questionnaire. We thank you in advance for your co-operation and look forward to receiving your replies.

EAEA

PEARLE*

Definitions

Live performance: By this we mean all types of musical performances; theatre, ballet and dance performances ; circus, puppet and mime shows and any other similar events, whether in the public or in the private sector, performed in the physical presence of a public.

Live performance organisation: By this we mean both the buildings and venues where live performances take place as well as the producing companies of live performances in the fields of music, dance, theatre, or other live performance. . They can be either profit or non-profit organisations or companies. They can vary between very small enterprises, often independent arts organisations, and large cultural institutions such as a national theatre or opera house.

Social dialogue: By this we mean any form of regular and structured discussion (official or informal) which takes place between social partners (see definition below) management **at any level (enterprise or company level (undertakings), branches, cross industry)**, and aiming at facilitating dialogue between them, defining joint lobbying goals in a given level or sharing views about professional or employment-related issues.

Social dialogue: can be direct relations between the social partners themselves ("bipartite") or relations between governmental authorities and the social partners ("tripartite").

Social partners: is a term generally used in Europe to refer to representatives of **management and labour** (workers), or employers' organisations and trade unions.

Employer: An 'employer' is a party to an **employment relationship** characterised as a **contract of employment** (or contract of service) between the employer and employee or worker. The employer is often a corporate legal personality.

Worker: the term covers all persons engaged in economic activity

Collective bargaining: By this we mean negotiations **at different levels (enterprise or company level (undertakings), branches, cross industry)**, which take place between workers' unions and employers, as regulated by traditional labour legislation.

Collective agreements: are agreements concluded between, on the one hand, single employers or their organisations and, on the other, organisations of workers such as trade unions.

INFORMATION REGARDING THE STRUCTURE OF EMPLOYERS/WORKERS ORGANISATIONS

1. Are there any organisations in your country bringing together employers of all (or any) areas in the live performance sector (theatres, opera houses, orchestras, etc.)? For definitions, please refer to the explanatory letter provided to you.

Yes (please give name, address, telephone and e-mail address if possible. Also indicate which parts of the sector they represent and approximately how many members they represent):

No

Are there any organisations bringing together the workers in the sector – playwrights, directors, actors, musicians, dancers, technicians, administrative or other staff?

Yes (please give name, address, telephone and e-mail address if possible. Also indicate which parts of the sector they represent and approximately how many members they represent):

No

2. Are these workers' organisations registered trade unions, recognised as such under the statutory rules of your country?

Yes

No

If not, what is their legal nature?

Associations

Cooperatives

Other (*please say*):

3. Is your organisation part of a national federation, confederation or similar structure?

Employers:

Yes (*please give its name and the full address*):

No

Workers:

Yes (*please give its name and the full address*):

No

4. How many live performance organisations (theatres, operas, orchestras, etc) are there in your country?

Public owned:

Public subsidised:

Commercial:

5. To the best of your knowledge, how many arts and media organisations in your country's live performance sector are (in percentage):
- Public owned:%
- Public subsidised:%
- Commercial:%
6. How many people do these organisations employ globally (*please, give an estimate*):
7. What are the key challenges the live performance sector is facing?
8. Do you experience an impact from the financial crisis (box office income, funding, sponsorship, employment)?

III. INFORMATION REGARDING SOCIAL DIALOGUE

1. Is there an official social dialogue in the sector of the performing arts in your country?
- Yes (*please, give details*):
- No
2. Is there a specific role played by the government in the social dialogue discussions?
- No
- Yes (*if so, please say which*):

3. Are employers' and workers' organisations fully independent from the Government and free from its interference in carrying out bilateral discussions?

Employers:

Yes

No (*please explain the current relationship between the Government and the employers' organisations*):

Workers:

Yes

No (*please explain the current relationship between the Government and the workers' organisations*):

4. Is there a system of collective bargaining in the performing arts sector in your country?

Yes (*please explain at what level*):

No

5. Have the employers and the employees in the sector ever negotiated any specific agreement in the framework of this dialogue? Yes (*please say which and in what sector or sub-sector – theatre, dance, etc.*):

No

6. To the best of your knowledge, please say what is the legal range of these agreements:

They are only binding on those employers who signed them (either individually or through their collective body)

They are binding on all the employers of the sector, regardless of whether they have signed them or not

Other

7. To what extent are self-employed workers covered by collective agreements?

Yes (*please specify.*):

No

8. Are there legislative provisions in your country in areas related to labour matters, which relate to the performing arts sector?

Maternity leave

Yes (*please give as many details as possible*):

No

Working time

Yes (*please give as many details as possible*):

No

Health and safety

Yes (*please give as many details as possible*):

No

Training

Yes (*please give as many details as possible*):

No

Others

Yes (*please give as many details as possible*):

No

Annex 3. Briefing Note on European Sectoral Social Dialogue in the Live Performance Sector

Background: The present project is led by the *European Sectoral Social Dialogue Committee on Live Performance*. This briefing note is intended to offer an overview of how European Social Dialogue works and its relevance in the Live Performance Sector. Collective bargaining and negotiation between workers and employers is long established as a key instrument for the agreement and regulation of working conditions across the EU. It is unsurprising therefore that the EU is committed to upholding the principle of social dialogue. At European level, as at national level, social partners are considered key stakeholders in relation to policies affecting social affairs and employment. This note will answer the following questions:

- **What is European Sectoral Social Dialogue?**
- **What is the Role of the European Sectoral Social Dialogue in relation to European legislation?**
- **What is the relevance of Social Dialogue to the Live Performance sector across Europe?**

What is European Sectoral Social Dialogue?

Sectoral social dialogue is an instrument of EU social policy and industrial relations at sectoral level. It consists of negotiations between the European trade union and employer organisations of a specific sector of the economy. At present there are 36 sectoral social dialogue committees, with new ones being established on a fairly regular basis. The committee on Live Performance, leading this project, is one of these 36. The European Commission website provides useful and very detailed information about the work of the [European Sectoral Social Dialogue Committees](#). In its Communication on 'The European social dialogue, a force for innovation and change' (COM(2002)341), the European Commission expressed the view that the sectoral level "is the proper level for discussion on many issues linked to employment, such as working conditions, vocational training and industrial change, the knowledge society, demographic patterns, enlargement and globalization".

It is the experience of the social partners in the Live Performance Committee that indeed many of these issues can be very usefully addressed at European level, as well as other specific themes such as health and safety, anti-discrimination and equal opportunities. The promotion of social dialogue as key democratic tool in social and economic policy-making and the development of the processes between social partners at various levels of industrial relations are equally an important part of the work of European social partners. While sectoral negotiations are a key part of the mandate of the committees; discussions, presentations, commissioning of research and joint international projects are some of other the tools available to social partners to advance their work.

What is the Role of the European Sectoral Social Dialogue in relation to European legislation?

The EU lays out an important role for the social partners in its Treaty. As part of the policy of promoting the involvement of the European social partners in the formulation of EU social policy, Article 138 of the EC Treaty provides that the Commission has to consult management and labour before submitting proposals in the social policy field, regarding their possible direction. Moreover, if, after such consultation, the Commission considers Community action advisable, it is obliged to consult management and labour on the content of the proposal.

Since its creation, the social dialogue procedure (Articles 138-139EC) has produced four Framework Agreements at intersectoral level. Three have been transformed into European Directives relating to Framework Agreements:

- Agreement on **parental leave**ⁱ (concluded by UNICE, CEEP and ETUC). On 18 June 2009 the European cross-industry social partners signed a revised Framework Agreement increasing the duration of parental leave from three to four months per parent, which is now to be adopted by the Council.
- Agreement on **part-time work**ⁱⁱ concluded by UNICE, CEEP and ETUC.
- Agreement on **fixed-term work**ⁱⁱⁱ concluded by ETUC, UNICE and CEEP.

The fourth is a Framework Agreement on Telework signed on 16 July 2002.

In addition, there are certain pieces of legislation in the areas of labour law and social affairs where provisions are included allowing for European social partners to negotiate adapted solutions for implementation in their sectors through collective agreements. Some examples include:

- Working time Directive^{iv}
- The posting of workers directive^v
- **The noise directive^{vi}. A specific provision for the music and entertainment sector has been included, allowing EU Member States, in consultation with the social partners, to draft practical guidelines to help employers and workers meet the legal obligations as laid down in the directive.**

What is the relevance of Social Dialogue to the performing arts sector across Europe?

This note has set out how the European social dialogue committee on live performance is constituted, as well as the tools and possibilities for action that are open to it. Some examples of its impact on the live performance sector across Europe include the following:

As mentioned above, as a result of joint pressure by the European social partners during the legislative process on the “Noise Directive” (Dir 2003/10/EC), a specific provision was included to allow a sectoral process to take place in the “music and entertainment sectors” at national level. This has meant that the sector has developed or is developing guidance on how to best implement the directive in the music and entertainment sectors and prevent from possible damages deriving from ‘noise’. In some countries social partners from the performing arts sector have set up a website on this particular topic, others have set up information sessions and training, some have written manuals, attention has been paid in several orchestras on the programming, the use of earplugs, etcetera.

Another example of social partner activities is that of joint initiatives in different countries across Europe regarding the public funding of the sector in general. Recently, the committee has produced a joint statement on the impact of the financial crisis on the performing arts sector, which will be disseminated and shared with a view to creating the widest possible political impact.

A further example concerns initiatives in the area of vocational training. From the creation of the committee in 1998, the issue of training for technical staff appeared on the agenda. Depending on the situation in a country structures were set up by both management and labour as a social partner initiative, or in collaboration with educational or other training institutes. Parties involved in such activities identified a genuine need for exchange of experience and know how between the different countries. This process has been strengthened by a number of European initiatives in the Educational field to improve the mobility of workers and the identification of competences.

ⁱ Council Directive 96/34/EC of 3 June 1996

ⁱⁱ Council Directive 97/81/EC of 15 December 1997

ⁱⁱⁱ Council Directive 1999/70/EC of 28 June 1999

^{iv} Directive concerning certain aspects of the organisation of working time 2003/88/EC of the European Parliament and the Council of 4 November 2003

^v Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of workers.

^{vi} Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)